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*Committee on Industry, Research and Energy*

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**2011/0172(COD)**

04.10.2011

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## **DRAFT REPORT**

on the proposal for a directive of the European Parliament and of the Council on energy efficiency and repealing Directives 2004/8/EC and 2006/32/EC (COM(2011)0370 – C7-0168/2011 – 2011/0172(COD))

Committee on Industry, Research and Energy

Rapporteur: Claude Turmes

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a directive of the European Parliament and of the Council on energy efficiency and repealing Directives 2004/8/EC and 2006/32/EC (COM(2011)0370 – C7-0168/2011 – 2011/0172(COD))**  
**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0370),
  - having regard to Article 294(2) and Article 194(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0168/2011),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the reasoned opinion(s) submitted, within the framework of the Protocol (No 2) on the application of the principles of subsidiarity and proportionality, by [name(s) of the chamber(s)/parliaments(s)], asserting that the draft legislative act does not comply with the principle of subsidiarity,
  - having regard to the opinion of the European Economic and Social Committee,
  - having regard to the opinion of the Committee of the Regions,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Industry, Research and Energy and the opinion of the Committee on the Environment, Public Health and Food Safety (A7-0000/2011),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

## Amendment 1

### Proposal for a directive Recital 16

#### *Text proposed by the Commission*

(16) A number of municipalities and other public bodies in the Member States have already put into place integrated approaches to energy saving and energy supply, for example via sustainable energy action plans, such as those developed under the Covenant of Mayors initiative, and integrated urban approaches which go beyond individual interventions in buildings or transport modes. Member States should encourage municipalities and other public bodies to adopt integrated and sustainable energy efficiency plans with clear objectives, to involve citizens in their development and implementation and to adequately inform them about their content and progress in achieving objectives. Such plans can yield considerable energy savings, especially if they are implemented by energy management systems that allow the concerned public bodies to better manage their energy consumption. Exchange of experience between cities, towns and other public bodies should be encouraged with respect to the more innovative experiences.

#### *Amendment*

(16) A number of municipalities and other public bodies in the Member States have already put into place integrated approaches to energy saving and energy supply, for example via sustainable energy action plans, such as those developed under the Covenant of Mayors initiative, and integrated urban approaches which go beyond individual interventions in buildings or transport modes, ***in order to design "low energy cities and regions"***. ***This concept of "low energy cities and regions" considers energy issues as an essential component of urban and regional development embedded in local democratic and governance processes. As a precondition of local integrated and sustainable energy efficiency plans, Member States should encourage local authorities to define such local development strategies based on a dialogue with local public, commercial and social stakeholders.*** Member States should ***then*** encourage municipalities and other public bodies to adopt integrated and sustainable energy efficiency plans with clear objectives, to involve ***local stakeholders and*** citizens in their development and implementation and to adequately inform them about their content and progress in achieving objectives. Such plans can yield considerable energy savings, especially if they are implemented by energy management systems that allow the concerned public bodies to better manage their energy consumption. Exchange of experience between cities, towns and other public bodies should be encouraged with respect to the more innovative experiences.

*Justification***Amendment 2****Proposal for a directive****Recital 18***Text proposed by the Commission*

(18) An assessment of the possibility of establishing a "white certificate" scheme at Union level has shown that, in the current situation, such a system would create excessive administrative costs and that there is a risk that energy savings would be concentrated in a number of Member States and not introduced across the Union. The latter objective can better be achieved, at least at this stage, by means of national energy efficiency obligation schemes or other alternative measures that achieve the same amount of energy savings. ***The Commission should however define, by a delegated act, the conditions under which a Member State could in future recognise the energy savings achieved in another Member State. It is appropriate for the level of ambition of such schemes to be established in a common framework at Union level while providing significant flexibility to Member States to take full account of the national organisation of market actors, the specific context of the energy sector and final customers' habits.*** The common framework should give energy utilities the option of offering energy services to all final customers, not only to those to whom they sell energy. This increases competition in the energy market because energy utilities can differentiate their product by providing complementary energy services. The common framework should allow Member States to include requirements in their

*Amendment*

(18) An assessment of the possibility of establishing a "white certificate" scheme at Union level has shown that, in the current situation, such a system would create excessive administrative costs and that there is a risk that energy savings would be concentrated in a number of Member States and not introduced across the Union. The latter objective can better be achieved, at least at this stage, by means of national energy efficiency obligation schemes or other alternative measures that achieve the same amount of energy savings. The common framework should give energy utilities the option of offering energy services to all final customers, not only to those to whom they sell energy. This increases competition in the energy market because energy utilities can differentiate their product by providing complementary energy services. The common framework should allow Member States to include requirements in their national scheme that pursue a social aim, notably in order to ensure that vulnerable customers have access to the benefits of higher energy efficiency. It should also allow Member States to exempt small companies from the energy efficiency obligation. The Commission Communication "Small Business Act" sets out principles that should be taken into account by Member States that decide to abstain from applying this possibility.

national scheme that pursue a social aim, notably in order to ensure that vulnerable customers have access to the benefits of higher energy efficiency. It should also allow Member States to exempt small companies from the energy efficiency obligation. The Commission Communication “Small Business Act” sets out principles that should be taken into account by Member States that decide to abstain from applying this possibility.

Or. en

*Justification*

**Amendment 3**

**Proposal for a directive**  
**Recital 20**

*Text proposed by the Commission*

(20) These audits should be carried out in an independent and cost-effective manner. The requirement for independence allows the audits to be carried out by in-house experts, provided that **these** are qualified or accredited, that they are not directly engaged in the activity audited, and that the Member State has put in place a scheme to assure and check their quality and to impose sanctions if needed.

*Amendment*

(20) These audits should be carried out in an independent and cost-effective manner. The requirement for independence allows the audits to be carried out by **professional energy services providers, as well as by** in-house experts, provided that **the latter** are **also** qualified **and/or** accredited, that they are not directly engaged in the activity audited, and that the Member State has put in place a scheme to assure and check their quality and to impose sanctions if needed.

Or. en

*Justification*

## Amendment 4

### Proposal for a directive

#### Article 1 – paragraph 1 – subparagraph 1

##### *Text proposed by the Commission*

1. This Directive establishes a common framework for the promotion of energy efficiency within the Union in order to ensure the achievement of the Union's target of 20% primary energy savings by 2020 and to pave the way for **further** energy efficiency **improvements** beyond that date.

##### *Amendment*

1. This Directive establishes a common framework for the promotion of energy efficiency within the Union in order to ensure the achievement of the Union's target of **at least** 20% primary energy savings by 2020 and to pave the way for **the additional** energy efficiency **and savings measures needed** beyond that date **to meet a nearly fully renewable energy-based and energy efficient economy by 2050.**

Or. en

##### *Justification*

*This Directive is Europe's chance to honour the EU Heads of States energy and climate commitments. Achieving 20% reduction of the EU primary energy consumption is the minimum needed towards a self sufficient energy efficient renewables based economy by 2050. The Commission estimates that current efforts will only achieve half of the target, wasting for example, €1.000 per household per year. This Directive should redress this tendency.*

## Amendment 5

### Proposal for a directive

#### Article 2 – point 3 a (new)

##### *Text proposed by the Commission*

##### *Amendment*

**3a. 'end-use energy savings' means the amount of saved energy determined by measuring and/or estimating consumption by the final customer before and after implementation of one or more energy efficiency improvement measures, whilst ensuring normalisation for external conditions that affect energy**

*consumption;*

Or. en

*Justification*

*A definition of energy savings is needed. The Rapporteur suggests using the one which is used in the existing Energy Services Directive.*

**Amendment 6**

**Proposal for a directive  
Article 2 – point 12 a (new)**

*Text proposed by the Commission*

*Amendment*

***12a. 'highly cost effective recommendations' means measures identified by an energy audit that have pay-back periods of five years;***

Or. en

*Justification*

**Amendment 7**

**Proposal for a directive  
Article 2 – point 12 b (new)**

*Text proposed by the Commission*

*Amendment*

***12b. 'bill' means a statement of account and shall not be deemed to be a demand for payment (invoice);***

Or. en

*Justification*

## Amendment 8

### Proposal for a directive Article 2 – point 27 a (new)

*Text proposed by the Commission*

*Amendment*

**27a. 'deep renovation' means a refurbishment that reduces both the delivered and the final energy consumption of a building by at least 75% compared with the pre-renovation levels;**

Or. en

*Justification*

## Amendment 9

### Proposal for a directive Article 2 – point 27 b (new)

*Text proposed by the Commission*

*Amendment*

**27b. 'staged deep renovation' means a refurbishment that reduces in stages the delivered and final energy consumption of a building by a total of at least 75% during a normal renovation cycle, while ensuring that any stage does not preclude, or increase the costs of, subsequent stages.**

Or. en

*Justification*

## Amendment 10

### Proposal for a directive Article 2 a (new)

*Text proposed by the Commission*

*Amendment*

#### *Article 2a*

##### *Financing and Technical Support*

***2a. Without prejudice to Articles 107 and 108 TFEU, Member States shall establish financing facilities to aggregate multiple streams of financing including:***

***(a) financial contributions and fines from non-fulfilment of the obligations set out in Article 6,***

***(b) resources allocated to energy efficiency under Article 10(3) of Directive 2009/29/EC,***

***(c) resources allocated to energy efficiency from EU projects bonds,***

***(d) resources allocated to energy efficiency in the multiannual financial framework, in particular cohesion and structural funds, and dedicated European financial instruments, technical assistance and financial engineering,***

***(e) resources allocated to energy efficiency from the European Investment Bank (EIB) and other European financial institutions, in particular the European Bank for Reconstruction and Development (EBRD) and the Council of Europe development Bank (CEB),***

***f) national resources, including from public banks and other national financial institutions.***

***2. The financing facilities shall:***

***(a) use this money to generate the highest leverage possible of private capital, in particular drawing on institutional investors;***

***(b) provide financial tools (e.g. loan***

*guarantees for private capital, loan guarantees to foster energy performance contracting, grants, subsidised loans and dedicated credit lines) that reduce both the perceived and the actual risks of energy efficiency projects;*

*(c) be linked to programmes or agencies which will aggregate and quality assess energy saving projects, provide technical assistance, promote the energy services market and help to generate consumer demand for these services, in accordance with Article 14;*

*(d) provide appropriate resources to support training and certification programmes which improve and accredit skills for energy efficiency.*

*3. The Commission shall, where appropriate, directly or via the European financial institutions, assist Member States upon request in setting up financing facilities and technical support schemes with the aim of increasing energy efficiency in different sectors, by supporting the exchange of best practice between the responsible national or regional authorities or bodies.*

Or. en

#### *Justification*

*Without the necessary financing mechanisms the measures proposed in this Directive will be wishful thinking and will not create numerous jobs and trigger innovation. The proposed Directive should therefore establish financial facilities using existing EU funding streams, e.g. the Structural and Cohesion Funds which should prioritise energy efficiency or project bonds. National revenues e.g. from EU ETS auctioning to leverage private capital and the savings obligations, as created by art. 6, can also provide much of the necessary funds.*

## Amendment 11

### Proposal for a directive Article 3 – paragraph 1

*Text proposed by the Commission*

1. Member *States* shall *set a national energy efficiency target expressed as an absolute level of primary energy consumption in 2020. When setting these targets, they shall take into account the Union's target of 20% energy savings, the measures provided for in this Directive, the measures adopted to reach the national energy saving targets adopted pursuant to Article 4(1) of Directive 2006/32/EC and other measures to promote energy efficiency within Member States and at Union level.*

*Amendment*

1. *Each Member State shall ensure that its national absolute level of primary energy consumption in 2020 is at least below its target as set out in the left column of the table of Annex -I - Part A. Such mandatory national targets are consistent with the Union's target of at least 20% energy savings referred to in Article 1 which requires a reduction of EU primary energy consumption of at least 368 Mtoe in 2020 as compared to projections.*

Or. en

### *Justification*

*Experience from the EU renewables and climate legislation shows that binding targets for Member States are necessary. They create higher visibility, political commitment and investment certainty. The overall positive macro-economic and geopolitical benefits for the EU economy and citizens of stringent energy efficiency measures justify binding targets. To achieve this EU 20% target it will require, according to the Commission, a reduction of at least 368 Mtoe in 2020 (primary energy).*

## Amendment 12

### Proposal for a directive Article 3 – paragraph 2

*Text proposed by the Commission*

2. *By 30 June 2014, the Commission shall assess whether the Union is likely to achieve its target of 20 % primary energy savings by 2020, requiring a reduction of EU primary energy consumption of 368 Mtoe in 2020, taking into account the sum of the national targets referred to in paragraph 1 and the evaluation referred*

*Amendment*

2. *Member States shall introduce measures effectively designed to ensure that their primary energy consumption is equivalent to or below that shown in the indicative trajectory set out in part B of Annex -I.*

to in Article 19(4).

Or. en

### *Justification*

*To ensure that the 2020 saving targets are achieved, Member States should work towards an indicative trajectory tracing a path towards the achievement of their targets. It will allow the Commission to make the necessary monitoring and verification towards the achievement of the overall EU energy saving target.*

## **Amendment 13**

### **Proposal for a directive Article 3 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 3a**

#### **Building renovation**

- 1. Member States shall aim to reduce, by 31 December 2050, the energy consumption of the existing building stock by 80% compared to 2010 levels.**
- 2. As part of the national plans referred to in Article 9 of Directive 2010/31/EU, and without prejudice to paragraph 1 thereof, Member States shall develop policies and take measures to stimulate deep renovations of buildings, including staged deep renovations.**
- 3. By 1 January 2014, Member States shall establish and make publicly available the national plans referred to in paragraph 2. They shall include at least:**
  - (a) a record of buildings differentiated according to the category of building,**
  - (b) deep renovation targets for 2020, 2030 and 2040 differentiated according to the category of building. These targets shall be consistent with reaching the long term**

*objective referred to in paragraph 1,  
(c) measures to address social, technical  
and financial challenges in the buildings  
sector,*

*(d) measures to ensure that tenants are  
not financially penalised.*

*4. Member States shall ensure that deep  
and staged deep renovations are carried  
out first in the buildings, both commercial  
and residential, with the worst energy  
performance.*

*5. Member States shall ensure that deep  
renovations are carried out first in the  
buildings with the worst energy  
performance owned or occupied by public  
authorities.*

Or. en

#### *Justification*

*EU buildings represent 40% of all EU energy consumption while the potential of savings in the existing building stock is considerable and largely untapped. Therefore, your Rapporteur proposes to opt for a holistic, longer term approach and based on national "2050 building roadmaps". In boosting "deeper" renovation at a rate of 2% yearly, the energy consumed in the EU buildings stock will be reduced, in average, by 2050 to one fifth of our today's consumption.*

#### **Amendment 14**

##### **Proposal for a directive Article 4 – paragraph 1**

*Text proposed by the Commission*

1. *Without* prejudice to *Article 7* of Directive 2010/31/EU, Member States shall ensure that as from 1 January 2014, 3% of the total floor area owned by *their* public bodies is *renovated each year to meet at least the minimum energy performance requirements set by the Member State concerned in application of*

*Amendment*

1. *In order to implement the national plan referred to Article 3a and without* prejudice to *Article 9* of Directive 2010/31/EU, Member States shall ensure that as from 1 January 2014, *at least* 3% of the total floor area owned *or occupied* by public bodies is *subject annually to deep*

*Article 4 of Directive 2010/31/EU. The 3% rate shall be calculated on the total floor area of buildings with a total useful floor area over 250 m<sup>2</sup> owned by the public bodies of the Member State concerned that, on 1 January of each year, does not meet the national minimum energy performance requirements set in application of Article 4 of Directive 2010/31/EU.*

*or staged deep renovation.*

Or. en

#### *Justification*

*Public bodies, including the EU Institutions, must lead by showing the right example. Buildings owned and occupied by public bodies can serve as a leverage to trigger the necessary technical, financial and organisational innovation and to create an ESCO market. Therefore, the Rapporteur thinks that a minimum of 3% binding renovation rate for all public buildings is set to an appropriate level of ambition.*

#### **Amendment 15**

##### **Proposal for a directive Article 4 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Member States shall support bodies governed by public law to undertake deep renovations of 3% of the total floor area they own each year.***

Or. en

#### *Justification*

*Bodies governed by public law cannot raise tax or increase the rent levels, their investment decision are thus constrained. Member States should therefore adopt a pro-active policy in supporting deep refurbishment done in particular in the social housing sector.*

## Amendment 16

### Proposal for a directive

#### Article 4 – paragraph 3 – introductory part

*Text proposed by the Commission*

3. For the purposes of paragraph 1, by 1 January 2014, Member States shall establish and make publicly available an inventory of buildings owned by their public bodies indicating:

*Amendment*

3. For the purposes of paragraph 1, by 1 January 2014, Member States shall establish and make publicly available an inventory of buildings owned **or occupied** by their public bodies indicating:

Or. en

*Justification*

*Inventories of public buildings should be fully comprehensive, including both the ones owned and those occupied by them.*

## Amendment 17

### Proposal for a directive

#### Article 4 – paragraph 4 – introductory part

*Text proposed by the Commission*

4. Member States shall encourage public bodies to:

*Amendment*

4. Member States shall encourage **local, municipalities and other** public bodies to:

Or. en

*Justification*

*A number of municipalities and other public bodies in the Member States have already put - or are planning to put - into place integrated urban approaches which go beyond individual interventions in buildings. Member States should therefore encourage municipalities, cities, regions or any other public bodies towards such initiatives or concepts, in order to design for example “low energy cities and regions” embedded in local democratic and governance processes.*

## Amendment 18

### Proposal for a directive

#### Article 4 – paragraph 4 – point a

##### *Text proposed by the Commission*

a) adopt an energy efficiency plan, freestanding or as part of a broader climate or environmental plan, containing specific energy saving objectives, with a view to continuously improving **the body's** energy efficiency;

##### *Amendment*

(a) adopt an **integrated** energy efficiency plan, freestanding or as part of a broader **plan on climate, low energy cities or regions**, or an environmental plan, containing specific energy saving objectives, with a view to continuously improving **their energy savings and** efficiency;

Or. en

##### *Justification*

*A number of municipalities and other public bodies in the Member States have already put - or are planning to put - into place integrated urban approaches which go beyond individual interventions in buildings. Member States should therefore encourage municipalities, cities, regions or any other public bodies towards such initiatives or concepts, in order to design for example “low energy cities and regions” embedded in local democratic and governance processes.*

## Amendment 19

### Proposal for a directive

#### Article 5

##### *Text proposed by the Commission*

Member States shall ensure that public bodies purchase only products, services and buildings with **high** energy efficiency performance, as referred to in Annex III.

##### *Amendment*

Member States shall ensure that public bodies purchase only products, services and buildings with **the highest** energy efficiency performance, as referred to in Annex III.

Or. en

*Justification*

*Public bodies must always purchase only products, services and buildings with the highest energy efficiency characteristics.*

**Amendment 20**

**Proposal for a directive**

**Article 6 – title**

*Text proposed by the Commission*

*Amendment*

Energy **efficiency** obligation schemes

Energy **saving** obligation schemes

Or. en

*Justification*

*This scheme is at the centre of this Directive and must lead to real energy savings.*

**Amendment 21**

**Proposal for a directive**

**Article 6 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Each Member State shall set up an energy **efficiency** obligation scheme. This scheme shall ensure that either **all** energy distributors or **all** retail energy sales companies operating on the Member State's territory achieve annual energy savings equal to 1.5% of their energy sales, by volume, **in the previous year in** that Member State **excluding energy used in transport**. This amount of energy savings shall be achieved by the obligated parties among final customers.

1. Each Member State shall set up an energy **saving** obligation scheme. This scheme shall ensure that energy distributors **and/or** retail energy sales companies operating on the Member State's territory achieve **cumulative** annual **end-use** energy savings equal to **at least** 1.5% of their **annual** energy sales, by volume, **averaged over the most recent three-year period for** that Member State. This amount of energy savings shall be achieved by the obligated parties among final customers.

Or. en

### *Justification*

*The proposed 1.5% annual savings obligation must apply to the economy as a whole, the transport sector which holds a significant economic but yet unrealised saving potential should be therefore included. In addition, in order to balance possible variations between one year and the other due to extreme weather events or economic changes, the Rapporteur suggests averaging the volume target on the basis of a three-year period rather than one as suggested by the Commission.*

### **Amendment 22**

#### **Proposal for a directive Article 6 – paragraph 2**

##### *Text proposed by the Commission*

2. Member States shall express the amount of energy savings required from each obligated party in terms of *either final or* primary energy consumption. The method chosen for expressing the required amount of energy savings shall also be used for calculating the savings claimed by obligated parties. The conversion factors in Annex IV shall apply.

##### *Amendment*

2. Member States shall express the amount of **end-use** energy savings required from each obligated party in terms of primary energy consumption. The method chosen for expressing the required amount of energy savings shall also be used for calculating the savings claimed by obligated parties. The conversion factors in Annex IV shall apply.

Or. en

### *Justification*

*The obligations must cover end-uses and be calculated in primary terms since the latter reflects the real impact of the energy uses.*

### **Amendment 23**

#### **Proposal for a directive Article 6 – paragraph 2 a (new)**

##### *Text proposed by the Commission*

##### *Amendment*

***2a. Each Member State shall ensure that the 1.5% savings achieved each year are additional to the savings achieved in each***

*previous year as referred in Annex Va.*

Or. en

*Justification*

*This amendment clarifies the Commission's original intention ensuring that the 1.5% savings achieved each year has a cumulative savings effect.*

**Amendment 24**

**Proposal for a directive  
Article 6 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***2b. For the purposes of paragraph 1, deadweight measures, as defined in Annex V(1), shall not count towards the amount of energy savings required of each obligated party.***

Or. en

*Justification*

*Based on the experience gained in countries which have already set up such an energy obligation saving scheme, it is important to limit these schemes to projects which prove to be additional. The Directive should exclude or limit activities with low additionally.*

**Amendment 25**

**Proposal for a directive  
Article 6 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. Measures that target short-term savings, as defined in Annex V(1), shall not account for more than 10% of the amount of energy savings required from each obligated party

***3. For the purposes of paragraph 1, measures that target short-term savings, as defined in Annex V(1), shall not account for more than 10% of the amount of energy***

and shall only be eligible to count towards the obligation laid down in paragraph 1 if combined with measures to which longer-term savings are attributed.

savings required from each obligated party and shall only be eligible to count towards the obligation laid down in paragraph 1 if combined with measures to which longer-term savings are attributed.

Or. en

#### *Justification*

*Based on the experience gained in countries which have already set up such an energy obligation saving scheme, it is important to limit these schemes to projects which prove to be additional. The Directive should exclude or limit activities with low additionally.*

#### **Amendment 26**

##### **Proposal for a directive**

##### **Article 6 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. For the purposes of paragraph 1, Member States shall ensure that measures to which longer-term savings, in particular for staged and deep renovation, are attributed account for at least 50% of the amount of energy savings required of each obligated party.***

Or. en

#### *Justification*

*Member States should make sure that more credits is given to obligated parties implementing measures providing substantial and long term energy savings. Progressive and deep renovation of the building stock should therefore be promoted and rewarded under this scheme.*

**Amendment 27**  
**Proposal for a directive**  
**Article 6 – paragraph 4**

*Text proposed by the Commission*

4. Member States shall ensure that the savings claimed by obligated parties are calculated in accordance with Annex V(2). They shall put in place control systems under which at least a statistically significant proportion of the energy efficiency improvement measures put in place by the obligated parties is independently verified.

*Amendment*

4. Member States shall ensure that the savings claimed by obligated parties are calculated in accordance with Annex V(2). They shall put in place **independent measurement, control and verification** systems under which at least a statistically significant proportion **and representative selection** of the energy efficiency improvement measures put in place by the obligated parties is independently verified.

Or. en

*Justification*

*Measurements and verifications in a fully transparent and independent way is key for market and public confidence in this new proposed energy savings schemes. Free riding must be avoided.*

**Amendment 28**  
**Proposal for a directive**  
**Article 6 – paragraph 5 – introductory part**

*Text proposed by the Commission*

5. Within the energy **efficiency** obligation scheme, Member States **may**:

*Amendment*

5. Within the energy **saving** obligation scheme, Member States **shall**:

Or. en

*Justification*

*Self-explanatory.*

**Amendment 29**  
**Proposal for a directive**  
**Article 6 – paragraph 5 – point b**

*Text proposed by the Commission*

(b) permit obligated parties to count towards their obligation certified energy savings achieved by energy service providers or other third parties; ***in this case*** they shall establish an accreditation process that is clear, transparent and open to all market actors, and that aims at minimising the costs of certification;

*Amendment*

(b) permit obligated parties to count towards their obligation certified energy savings achieved by energy service providers or other third parties; they shall establish an accreditation process that is clear, transparent and open to all market actors, and that aims at minimising the costs of certification;

Or. en

*Justification*

*Self-explanatory.*

**Amendment 30**  
**Proposal for a directive**  
**Article 6 – paragraph 5 – point c**

*Text proposed by the Commission*

(c) allow obligated parties to count savings obtained in a given year as if they had instead been obtained in ***any of the two*** previous or ***two*** following ***years***.

*Amendment*

(c) allow obligated parties to count savings obtained in a given year as if they had instead been obtained in ***either*** the previous or following ***year***.

Or. en

*Justification*

*Self-explanatory.*

**Amendment 31**  
**Proposal for a directive**  
**Article 6 – paragraph 6 – point a**

*Text proposed by the Commission*

a) the energy savings achieved;

*Amendment*

(a) the **required energy savings and the** energy savings achieved. **The energy saving formula in Annex Va shall apply;**

Or. en

*Justification*

*This amendment clarifies the Commission's original intention ensuring that the 1.5% savings achieved each year has a cumulative savings effect.*

**Amendment 32**  
**Proposal for a directive**  
**Article 6 – paragraph 7**

*Text proposed by the Commission*

7. Member States shall ensure that market actors refrain from any activities that may impede the demand for and delivery of energy services or other energy efficiency improvement measures, or hinder the development of markets for energy services or other energy efficiency improvement measures, including foreclosing the market for competitors or abusing dominant positions.

*Amendment*

7. Member States shall ensure that market actors refrain from any activities that may impede the demand for and delivery of energy **saving** services or other energy efficiency improvement measures, or hinder the development of markets for energy **saving** services or other energy efficiency improvement measures, including foreclosing the market for competitors or abusing dominant positions.

Or. en

*Justification*

## Amendment 33

### Proposal for a directive

#### Article 6 – paragraph 9 –subparagraph 1

##### *Text proposed by the Commission*

9. *As an alternative to paragraph 1*, Member States *may opt to take other measures to achieve energy savings among final customers. The annual amount of energy savings achieved through this approach shall be equivalent to the amount of energy savings required in paragraph 1.*

##### *Amendment*

9. Member States *shall permit obligated parties to fulfil between 25% and 50% of their obligation annually by paying into the financing facilities referred to in Article 2a. This shall be done by contributing to the financing facility an amount equal to the investment costs estimated to achieve the corresponding share of their obligation.*

Or. en

##### *Justification*

*A full opt-out clause, as suggested, by the Commission, would threaten the new business model Art 6 is establishing. The approach, as suggested by the Rapporteur, offers the opportunity - for those MS who decide to do so- to let their obligated parties to contribute partly to a financial facility (Art 2a) instead of implementing fully energy savings measures. At the same time, this approach will guarantee that the saving target of 1.5% is achieved at Member States level in using the contributed share in this facility for energy saving measures.*

## Amendment 34

### Proposal for a directive

#### Article 6 – paragraph 9 – subparagraph 2

##### *Text proposed by the Commission*

Member States *opting for this option* shall notify to the Commission, by 1 January 2013 at the latest, the *alternative measures that they plan to adopt*, including the rules on penalties referred to in Article 9, and demonstrating how they would achieve the *required* amount of savings. The Commission may refuse such measures or make suggestions for modifications in the 3 months following notification. In such

##### *Amendment*

Member States shall notify to the Commission, by 1 January 2013 at the latest, the *share of their obligation* they plan *to fulfil by allowing obligated parties to contribute to the financing facility*, including the rules on penalties referred to in Article 9, and demonstrating how they would achieve the *proposed* amount of savings *using the contributed share of the funds*. The Commission may refuse such

cases, the **alternative approach** shall not be applied by the Member State concerned until the Commission expressly accepts the resubmitted or modified draft measures.

measures or make suggestions for modifications in the 3 months following notification. In such cases, the **programmes and measures** shall not be applied by the Member State concerned until the Commission expressly accepts the resubmitted or modified draft measures.

Or. en

#### *Justification*

*A full op-out clause, as suggested, by the Commission, would threaten the new business model Art 6 is establishing. The approach, as suggested by the Rapporteur, offers the opportunity - for those MS who decide to do so- to let their obligated parties to contribute partly to a financial facility (Art 2a) instead of implementing fully energy savings measures. At the same time, this approach will guarantee that the saving target of 1.5% is achieved at Member States level in using the contributed share in this facility for energy saving measures.*

#### **Amendment 35**

##### **Proposal for a directive Article 6 – paragraph 10**

*Text proposed by the Commission*

*Amendment*

**10. If appropriate, the Commission shall establish, by means of a delegated act in accordance with Article 18, a system of mutual recognition of energy savings achieved under national energy efficiency obligation schemes. Such a system shall allow obligated parties to count energy savings achieved and certified in a given Member State towards their obligations in another Member State.**

**deleted**

Or. en

#### *Justification*

*The energy savings obligations schemes should be established at national level and implemented on their respective territory.*

**Amendment 36**  
**Proposal for a directive**  
**Article 7 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

1. Member States shall promote the availability to all final customers of energy audits which are **affordable** and carried out in an independent manner by qualified or accredited experts.

*Amendment*

1. Member States shall promote the availability to all final customers of **high quality** energy audits which are **cost-effective** and carried out in an independent manner by qualified or accredited experts.

Or. en

*Justification*

*SMEs will need support to cover the costs of the energy audits but also to implement the proposed recommendations within the audits which have a pay-back period of up-to five years. High quality audits and concrete implementation of at least the most cost effective measures are key features for an effective and efficient energy savings policy based on audits, which is the purpose of Article 7.*

**Amendment 37**  
**Proposal for a directive**  
**Article 7 – paragraph 1 – subparagraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***Member States shall develop incentive and financial schemes, such as tax rebates or subsidies, to ensure that small and medium sized enterprises can cover totally or partly the costs of an energy audit and of the implementation of highly cost-effective recommendations from the energy audits.***

Or. en

### *Justification*

*SMEs will need support to cover the costs of the energy audits but also to implement the proposed recommendations within the audits which have a pay-back period of up-to five years. High quality audits and concrete implementation of at least the most cost effective measures are key features for an effective and efficient energy savings policy based on audits, which is the purpose of Article 7.*

### **Amendment 38**

#### **Proposal for a directive**

#### **Article 7 – paragraph 1 – subparagraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

***Member States shall ensure that the enterprises which are beneficiaries of incentives or financial support schemes commit themselves to implementing the highly cost-effective recommendations identified by the audits.***

Or. en

### *Justification*

*SMEs will need support to cover the costs of the energy audits but also to implement the proposed recommendations within the audits which have a pay-back period of up-to five years. High quality audits and concrete implementation of at least the most cost effective measures are key features for an effective and efficient energy savings policy based on audits, which is the purpose of Article 7.*

### **Amendment 39**

#### **Proposal for a directive**

#### **Article 7 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Member States shall ensure that enterprises not included in the second subparagraph of paragraph 1 are subject to an energy audit carried out in an

2. Member States shall ensure that enterprises not included in the second subparagraph of paragraph 1 are subject to an energy audit carried out in an

independent and cost-effective manner by qualified or accredited experts at the latest by 30 June 2014 and every three years from the date of the previous energy audit.

independent and cost-effective manner by qualified *and*/or accredited experts at the latest by 30 June 2014 and every three years from the date of the previous energy audit.

Or. en

*Justification*

**Amendment 40**

**Proposal for a directive**

**Article 7 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. Member States shall develop financial incentive schemes or provisions under Article 6 to help enterprises covered by paragraph 2 of this Article to transform the recommendations of the obligatory audits into energy savings investments. The Commission shall establish within the EU state aid rules guidelines to identify which financial incentives set up by Member States in favour of their enterprises concerned will be compatible with the internal market rules and state aid rules.***

Or. en

*Justification*

*This amendment calls on the Member State, in line with the internal market and State aid rules, to find ways to financially help enterprises in implementing the measures suggested in the energy audits.*

## Amendment 41

### Proposal for a directive

#### Article 8 – paragraph 1 – subparagraph 1

##### *Text proposed by the Commission*

1. Member States shall ensure that final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with individual meters that accurately measure and allow to make available their actual energy consumption and provide information on actual time of use, in accordance with Annex VI.

##### *Amendment*

1. ***When smart meters are installed***, Member States shall ensure that final customers for electricity, natural gas, district ***or other central*** heating or cooling and district ***or other centrally*** supplied domestic hot water are provided with individual meters that accurately measure and allow to make available their actual energy consumption and provide ***real time*** information on actual time of use, ***free of charge and in a format that enables customers to better understand their energy use***, in accordance with Annex VI.

Or. en

##### *Justification*

*The installation of smart meters is welcomed by your Rapporteur if the cost-benefit analysis is assessed positively as it is foreseen by Directives 2009/72/EC and 2009/73/EC concerning electricity and gas markets, which is not always proven for small customers, like households. However, your Rapporteur thinks that there is sufficient evidence, from an energy demand response point of view, to impose smart meters on enterprises that consume a certain amount of electricity.*

## Amendment 42

### Proposal for a directive

#### Article 8 – paragraph 1 – subparagraph 2

##### *Text proposed by the Commission*

***When Member States put in place the*** roll-out of smart meters foreseen by Directives 2009/72/EC and 2009/73/EC concerning electricity and gas markets, ***they*** shall ensure that the objectives of energy ***efficiency*** and final customer benefits are fully taken into account when establishing

##### *Amendment*

***Where*** roll-out of smart meters ***is assessed positively as*** foreseen by Directives 2009/72/EC and 2009/73/EC concerning electricity and gas markets, ***Member States*** shall ensure that the objectives of energy ***savings*** and final customer benefits are fully taken into account when establishing

the minimum functionalities of the meters and obligations imposed on market participants.

the minimum functionalities of the meters and obligations imposed on market participants.

Or. en

*Justification*

*The installation of smart meters is welcomed by your Rapporteur if the cost-benefit analysis is assessed positively as it is foreseen by Directives 2009/72/EC and 2009/73/EC concerning electricity and gas markets, which is not always proven for small customers, like households. However, your Rapporteur thinks that there is sufficient evidence, from an energy demand response point of view, to impose smart meters on enterprises that consume a certain amount of electricity.*

**Amendment 43**

**Proposal for a directive**

**Article 8 – paragraph 1 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***Member States shall ensure that enterprises, including from the commercial sector, which have an electricity end-use consumption of more than 6000 kWh per year, have installed smart meters by 1 January 2015 at the latest.***

Or. en

*Justification*

*The installation of smart meters is welcomed by your Rapporteur if the cost-benefit analysis is assessed positively as it is foreseen by Directives 2009/72/EC and 2009/73/EC concerning electricity and gas markets, which is not always proven for small customers, like households. However, your Rapporteur thinks that there is sufficient evidence, from an energy demand response point of view, to impose smart meters on enterprises that consume a certain amount of electricity.*

## Amendment 44

### Proposal for a directive

#### Article 8 – paragraph 1 – subparagraph 3

##### *Text proposed by the Commission*

In the case of electricity and on request of the final customer, meter operators shall ensure that the meter can account for electricity produced on the final customer's premises and exported to the grid. Member States shall ensure that **if** final customers request it, metering data on their real-time production or consumption **is made available** to a third party acting **on** behalf of **the final customer**.

##### *Amendment*

In the case of electricity and on request of the final customer, meter operators shall ensure that the meter can account for electricity produced on the final customer's premises and exported to the grid. Member States shall ensure that **metering data on final customer's real-time production or consumption is available to them**. **If** final customers request it, metering data on their real-time production or consumption **shall be provided to them or** to a third party acting on **their** behalf **at no additional cost to the final customers in a format they can use to compare deals on a like-for-like basis**.

Or. en

##### *Justification*

*The installation of smart meters is welcomed by your Rapporteur if the cost-benefit analysis is assessed positively as it is foreseen by Directives 2009/72/EC and 2009/73/EC concerning electricity and gas markets, which is not always proven for small customers, like households. However, your Rapporteur thinks that there is sufficient evidence, from an energy demand response point of view, to impose smart meters on enterprises that consume a certain amount of electricity.*

## Amendment 45

### Proposal for a directive

#### Article 8 – paragraph 1 – subparagraph 4

##### *Text proposed by the Commission*

In case of heating and cooling, where a building is supplied from a district heating network, a heat meter shall be installed at the building entry. In multi-apartment

##### *Amendment*

In case of heating and cooling, where a building is supplied from a district heating network, a heat meter shall be installed at the building entry. In multi-apartment

buildings, individual heat **consumption meters** shall also be installed to measure the consumption of heat or cooling for each apartment. Where the use of individual heat consumption meters is not technically feasible, individual heat cost allocators, in accordance with the specifications in Annex VI(1.2), shall be used for measuring heat consumption at each radiator.

buildings, individual heat **metering devices** shall also be installed to measure the consumption of heat or cooling **and hot water** for each apartment **respectively**. Where the use of individual heat consumption meters is not technically **or economically** feasible, individual heat cost allocators, in accordance with the specifications in Annex VI(1.2), shall be used for measuring heat consumption at each radiator.

Or. en

#### *Justification*

*The installation of smart meters is welcomed by your Rapporteur if the cost-benefit analysis is assessed positively as it is foreseen by Directives 2009/72/EC and 2009/73/EC concerning electricity and gas markets, which is not always proven for small customers, like households. However, your Rapporteur thinks that there is sufficient evidence, from an energy demand response point of view, to impose smart meters on enterprises that consume a certain amount of electricity.*

#### **Amendment 46**

##### **Proposal for a directive Article 8 – paragraph 1 – subparagraph 5**

#### *Text proposed by the Commission*

Member States shall introduce rules on cost allocation of heat consumption in multi-apartment buildings supplied with centralised heat or cooling. Such rules shall include guidelines on correction factors to reflect building characteristics such as heat transfers between apartments.

#### *Amendment*

Member States shall introduce rules on cost allocation **and billing** of heat consumption in multi-apartment buildings supplied with centralised heat or cooling. Such rules shall include guidelines on correction factors to reflect building characteristics such as heat transfers between apartments.

Or. en

#### *Justification*

*The installation of smart meters is welcomed by your Rapporteur if the cost-benefit analysis is*

*assessed positively as it is foreseen by Directives 2009/72/EC and 2009/73/EC concerning electricity and gas markets, which is not always proven for small customers, like households. However, your Rapporteur thinks that there is sufficient evidence, from an energy demand response point of view, to impose smart meters on enterprises that consume a certain amount of electricity.*

#### **Amendment 47**

##### **Proposal for a directive**

##### **Article 8 – paragraph 2 – subparagraph 1**

###### *Text proposed by the Commission*

2. In addition to the obligations resulting from Directive 2009/72/EC and Directive 2009/73/EC with regard to billing, Member States shall ensure, not later than 1 January 2015, that billing is accurate and based on actual consumption, for all the sectors covered by the present Directive, including energy distributors, distribution system operators and retail energy sales companies, in accordance with the minimum frequency set out in Annex VI(2.1). Appropriate information shall be made available with the bill to provide final customers with a comprehensive account of current energy costs, in accordance with Annex VI(2.2).

###### *Amendment*

2. In addition to the obligations resulting from Directive 2009/72/EC and Directive 2009/73/EC with regard to billing, Member States shall ensure, not later than 1 January 2015, ***or at the time of installation of the smart meter, where that occurs first***, that billing is accurate and based on actual consumption, for all the sectors covered by the present Directive, including energy distributors, distribution system operators and retail energy sales companies, in accordance with the minimum frequency set out in Annex VI(2.1). Appropriate information shall be made available with the bill to provide final customers with a comprehensive account of current energy costs, in accordance with Annex VI(2.2).

Or. en

###### *Justification*

#### **Amendment 48**

##### **Proposal for a directive**

##### **Article 8 – paragraph 2 – subparagraph 2**

###### *Text proposed by the Commission*

Member States shall ensure that final customers are offered a choice of either

###### *Amendment*

Member States shall ensure that final customers are offered a choice of either

electronic or hard copy billing and the possibility of easy access to complementary information allowing detailed self-checks on historical consumption as laid down in Annex VI(1.1).

electronic or hard copy billing *at no additional costs* and the possibility of easy access to complementary information allowing detailed self-checks on historical consumption as laid down in Annex VI(1.1).

Or. en

*Justification*

**Amendment 49**

**Proposal for a directive**

**Article 8 – paragraph 2 – subparagraph 3**

*Text proposed by the Commission*

Member States shall require that if requested by final customers, information on their energy billing and historical consumption is made available to an energy service provider designated by the final customer.

*Amendment*

Member States shall require that if requested by final customers, information on their energy billing and historical consumption is made available to an energy service provider designated by the final customer. ***When a smart meter is installed, Member States shall prohibit back billing.***

Or. en

*Justification*

**Amendment 50**

**Proposal for a directive**

**Article 8 – paragraph 3**

*Text proposed by the Commission*

3. Information from metering and billing of individual consumption of energy as well as the other information mentioned in

*Amendment*

3. Information from metering and billing of individual consumption of energy as well as the other information mentioned in

paragraphs 1, 2, 3 and Annex VI shall be **provided** to final customers free of charge.

paragraphs 1 *and* 2 and Annex VI shall be **made available** to final customers free of charge **within 2 hours or as quickly as is technologically possible**.

Or. en

*Justification*

*Real time information is essential to be able to use energy more efficiently.*

**Amendment 51**

**Proposal for a directive  
Article 8 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 8a.**

**Consumer information and empowering programme**

**1. Member states shall develop a national strategy to promote and enable an efficient use of energy by small energy customers, including domestic customers.**

**2. For the purposes of paragraph 1, Member States shall include at least:**

**(a) the establishment of a single point of contact for advice and accredited providers, in accordance with Articles 13 and 14;**

**(b) a range of instruments and policies to promote behaviour change, including:**

- fiscal incentives;**
- access to finance, grants or subsidies;**
- information provision;**
- exemplary projects;**
- workplace activities;**

*- minimum standards for information on bills and lay-out for invoices;*

*(c) a programme to engage consumers and consumer organisations during the roll-out of smart meters through communication of:*

*- cost-effective and easy-to-achieve changes in energy use;*

*- information on energy efficiency measures.*

Or. en

### *Justification*

*The provisions on information and advice in this Directive are not sufficient to achieve its stated objective of engaging the respective groups of end consumers. It is important that information provision is not set as an end itself but is included in a legislative framework that will only reward the outcomes (and not the outputs) of energy efficiency projects – i.e, only measurable changes in behaviour are rewarded and not simply disseminating information.*

## **Amendment 52**

### **Proposal for a directive Article 9**

#### *Text proposed by the Commission*

Member States shall lay down rules on penalties applicable in case of non-compliance with the national provisions adopted pursuant to Articles 6 to 8 and shall take the necessary measures to ensure that they are implemented. The penalties provided must be effective, proportionate and dissuasive. Member States shall communicate those provisions to the Commission by [12 months after entry into force of this Directive] at the latest and shall notify it without delay of any subsequent amendment affecting them.

#### *Amendment*

Member States shall lay down rules on penalties applicable in case of non-compliance with the national provisions adopted pursuant to Articles 6 to 8 and shall take the necessary measures to ensure that they are implemented. The penalties provided must be effective, proportionate and dissuasive ***and be at least five times higher than the average costs in the respective national energy savings obligation programmes and shall be paid into the finance facility referred to in Article 2a.*** Member States shall communicate those provisions to the Commission by [12 months after entry into

*force of this Directive]* at the latest and shall notify it without delay of any subsequent amendment affecting them.

Or. en

#### *Justification*

*The imposed penalties in case of non-compliance should be dissuasive enough to make sure that the measures proposed in this Directive are indeed fully implemented.*

### **Amendment 53** **Proposal for a directive** **Article 10 – paragraph 1**

#### *Text proposed by the Commission*

1. By 1 January 2014, Member States shall establish and notify to the Commission a national heating and cooling plan for developing the potential for the application of high-efficiency cogeneration and efficient district heating and cooling, containing the information set out in Annex VII. The plans shall be updated and notified to the Commission every five years. Member States shall ensure by means of their regulatory framework that national heating and cooling plans are taken into account in local and regional development plans, including urban and rural spatial plans, and fulfil the design criteria in Annex VII.

#### *Amendment*

1. By 1 January 2014, Member States shall establish and notify to the Commission a national heating and cooling plan for developing the potential for the application of high-efficiency cogeneration and efficient district heating and cooling, containing the information set out in Annex VII ***and detailing the associated measures and legal obligations***. The plans shall be updated and notified to the Commission every five years. Member States shall ensure by means of their regulatory framework that national heating and cooling plans are taken into account in local and regional development plans, including urban and rural spatial plans, and fulfil the design criteria in Annex VII. ***The national heating and cooling plans shall take full account of the analysis of the national potentials for high-efficiency cogeneration carried out under Directive 2004/8/EC.***

Or. en

*Justification*

*Member States should profit of the potential of combined production of power, heat and cooling they have on their territory.*

**Amendment 54**  
**Proposal for a directive**  
**Article 10 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

***4. Member States may lay down conditions for exemption from the provisions of paragraph 3 when:***

***deleted***

***a) the threshold conditions related to the availability of heat load set out in point 1 of Annex VIII are not met;***

***b) the requirement in point (b) of paragraph 3 related to the location of the installation cannot be met due to the need to locate an installation close to a geological storage site permitted under Directive 2009/31/EC; or***

***c) a cost-benefit analysis shows that the costs outweigh the benefits in comparison with the full life-cycle costs, including infrastructure investment, of providing the same amount of electricity and heat with separate heating or cooling.***

***Member States shall notify such conditions for exemption to the Commission by 1 January 2014. The Commission may refuse those conditions or make suggestions for modifications in the 6 months following notification. In such cases, the conditions for exemption shall not be applied by the Member State concerned until the Commission expressly accepts the resubmitted or modified conditions.***

Or. en

*Justification*

*Member States should profit of the potential of combined production of power, heat and cooling they have on their territory. There is therefore no reason for exemptions.*

**Amendment 55**  
**Proposal for a directive**  
**Article 10 – paragraph 5**

*Text proposed by the Commission*

5. Member States shall ensure that ***national regulations on urban and rural spatial planning are adapted to*** the authorisation criteria referred to in paragraph 3 and are in line with the national heating and cooling plans referred to in paragraph 1.

*Amendment*

5. Member States shall ensure that the authorisation criteria referred to in paragraph 3 and are in line with the national heating and cooling plans referred to in paragraph 1.

Or. en

*Justification*

*Whilst national and regional spatial planning regulations should be respected, Member States should also take profit of the national potentials they have for high-efficiency cogeneration.*

**Amendment 56**  
**Proposal for a directive**  
**Article 10 – paragraph 7**

*Text proposed by the Commission*

***7. Member States may lay down conditions for exemption from the provisions of paragraph 6 when:***

***a) the threshold conditions related to the availability of heat load set out in point 1 of Annex VIII are not met; or***

***b) a cost-benefit analysis shows that the costs outweigh the benefits in comparison***

*Amendment*

***deleted***

*with the full life-cycle costs, including infrastructure investment, of providing the same amount of electricity and heat with separate heating or cooling.*

*Member States shall notify such conditions for exemption to the Commission by 1 January 2014. The Commission may refuse those conditions or make suggestions for modifications in the 6 months following notification. In such cases, the conditions for exemption shall not be applied by the Member State concerned until the Commission expressly accepts the resubmitted or modified conditions.*

Or. en

*Justification*

*Member States should profit of the potential of combined production of power, heat and cooling they have on their territory. There is therefore no reason for exemptions.*

**Amendment 57**

**Proposal for a directive  
Article 10 – paragraph 8 – subparagraph 3**

*Text proposed by the Commission*

*Amendment*

*Member States may lay down conditions for exemption from the provisions in the first sub-paragraph when:*

*deleted*

*a) the threshold conditions related to the availability of heat load set out in point 2 of Annex VIII are not met; or*

*b) a cost-benefit analysis shows that the costs outweigh the benefits in comparison with the full life-cycle costs, including infrastructure investment, of providing the same amount of heat with separate heating or cooling.*

*Justification*

*Member States should profit of the potential of combined production of power, heat and cooling they have on their territory. There is therefore no reason for exemptions.*

**Amendment 58**

**Proposal for a directive  
Article 10 – paragraph 8 – subparagraph 4**

*Text proposed by the Commission*

*Amendment*

***Member States shall notify such conditions for exemption to the Commission by 1 January 2014. The Commission may refuse those conditions or make suggestions for modifications in the 6 months following notification. In such cases, the conditions for exemption shall not be applied by the Member State concerned until the Commission expressly accepts the resubmitted or modified conditions.***

***deleted***

*Justification*

*Member States should profit of the potential of combined production of power, heat and cooling they have on their territory. There is therefore no reason for exemptions.*

**Amendment 59**

**Proposal for a directive  
Article 11 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Member shall ensure that the overall***

***annual energy efficiency of their thermal electricity production capacity increases by at least 1% annually and reaches at least 60% on average by 2025.***

Or. en

*Justification*

*The EU's energy transformation system – from conventional power plants to refineries – has overall quite low efficiencies of below 35%. Significant and rapid savings are possible over the next years. Member States should also grasp the existing potential for combined heat and power.*

**Amendment 60**

**Proposal for a directive  
Article 11 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***Member States shall implement at least one third of the identified potential for high-efficiency cogeneration and efficient district heating and cooling referred to in Article 10(1) by 2020 and two third by 2030.***

Or. en

*Justification*

*The EU's energy transformation system – from conventional power plants to refineries – has overall quite low efficiencies of below 35%. Significant and rapid savings are possible over the next years. Member States should also grasp the existing potential for combined heat and power.*

## Amendment 61

### Proposal for a directive Article 12 - paragraph 3

#### *Text proposed by the Commission*

3. Member States may permit components of schemes and tariff structures with a social aim for net-bound energy transmission and distribution, provided that ***any disruptive effects on the transmission and distribution system are kept to the minimum necessary and are not disproportionate to the social aim.***

#### *Amendment*

3. Member States may permit components of schemes and tariff structures with a social aim for net-bound energy transmission and distribution, provided that ***the tariff structures contribute to the overall efficiency (including energy efficiency) of the generation, transmission, distribution and supply of electricity.***

Or. en

#### *Justification*

## Amendment 62

### Proposal for a directive Article 12 – paragraph 5 - subparagraph 1 – introductory part

#### *Text proposed by the Commission*

5. Member States shall ensure that, subject to requirements relating to the maintenance of the reliability and safety of the grid, based on transparent and non-discriminatory criteria defined by the competent national authorities, transmission system operators and distribution system operators in their territory:

#### *Amendment*

5. ***Without prejudice to Article 16(2) of Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources<sup>1</sup>***, Member States shall ensure that, subject to requirements relating to the maintenance of the reliability and safety of the grid, based on transparent and non-discriminatory criteria defined by the competent national authorities, transmission system operators and distribution system operators in their territory:

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<sup>1</sup> *OJ L 140, 5.6.2009, p. 16.*

Or. en

*Justification*

*Priority grid access and dispatch for CHP is welcomed but should not impede the priority access created for renewable energy. Benefits which cogeneration plants bring to the electricity system as a whole will have to be rewarded.*

**Amendment 63**

**Proposal for a directive**

**Article 12 – paragraph 5 - subparagraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***ca) implement provisions to provide appropriate compensation for avoided network costs.***

Or. en

*Justification*

**Amendment 64**

**Proposal for a directive**

**Article 12 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***7a. Member States shall ensure that transmission system operators and distribution system operators, in procuring resources for balancing and ancillary services, treat demand response providers, including aggregators, in a***

*non-discriminatory manner, on the basis of their technical capabilities. Transmission system operators and distribution system operators shall validate the execution of demand response measurement operations and the financial operations of demand response programmes.*

Or. en

*Justification*

*The practical realisation of energy efficiency measures needs the comprehensive involvement of the regulators, TSOs and DSOs. In addition to the speeding up of the deployment of smart grids, the establishment of national and regional demand response markets should be prioritised.*

**Amendment 65**

**Proposal for a directive  
Article 12 – paragraph 7 b (new)**

*Text proposed by the Commission*

*Amendment*

***7b. Member States shall promote access of demand response and their participation in organised energy markets, if necessary by requiring national regulatory authorities and transmission system operators to define technical specifications for participation in energy and tertiary reserve markets, on the basis of the technical requirements of these markets and demand response capabilities, including through aggregators. The technical specification for demand response participation in tertiary reserve markets shall include:***

***(a) the minimum number of kW capacity needed for participation;***

***(b) baseline measurement methodology;***

- (c) duration of demand response activation;*
- (d) timing of demand response activation;*
- (e) notice time for activation of demand response;*
- (f) telemetry requirements;*
- (g) availability payments;*

*When implementing capacity adequacy schemes, Member States shall ensure that the potential for contribution of demand response is fully taken into consideration. Member States shall report to the Commission, by 31 December 2013 and every two years thereafter, on the measures implemented to fulfil the objectives set out in this paragraph.*

Or. en

#### *Justification*

*The practical realisation of energy efficiency measures needs the comprehensive involvement of the regulators, TSOs and DSOs. In addition to the speeding up of the deployment of smart grids, the establishment of national and regional demand response markets should be prioritised.*

#### **Amendment 66**

**Proposal for a directive**  
**Article 12 – paragraph 7 c (new)**

*Text proposed by the Commission*

*Amendment*

*7c. Member States shall develop a demand response roadmap and action plan, which shall include detailed information on how demand response resources will be integrated, in so far as is appropriate, into the regional electricity markets, especially but not limited to the tertiary reserves markets and the capacity markets. The*

*demand response roadmap and action plan shall be submitted to the Commission and published by 31 December 2013, and updated at least every two years thereafter. The Commission shall assess the demand response roadmaps and action plans in accordance with the following success criteria for demand response integration:*

*(a) market integration and equal market entry opportunities for generation and demand side resources (supply and consumer loads);*

*(b) demand response should be permitted to use demand side loads in aggregate, meaning that aggregators may combine multiple short-duration demand-side resources (consumer loads) into one extended load reduction block, and sell or auction these, as appropriate into multiple organised energy markets, especially but not limited to, the tertiary reserves markets and the capacity markets;*

*(c) regional and local demand response programmes shall be allowed, to relieve local and regional systems from capacity constraints to optimise existing infrastructure use.*

Or. en

*Justification*

*Demand response markets need to be developed.*

**Amendment 67**

**Proposal for a directive**  
**Article 13 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Member States shall ensure that the certification schemes referred to in***

*paragraph 1 are covered by a single accreditation framework, in order to provide transparency to consumers to ensure that these schemes are reliable and will contribute to national energy efficiency objectives.*

Or. en

*Justification*

*This amendment supports the new paragraphs at the end of Article 14. It is important to acknowledge that the success of the certification scheme is dependent on the recognition and trust which it is accorded by consumers.*

**Amendment 68**

**Proposal for a directive  
Article 13 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*2a. Member States shall ensure that the single point of contact referred to in point (-a) of Article 14 directs consumers to accredited providers.*

Or. en

*Justification*

**Amendment 69**

**Proposal for a directive  
Article 14 – point -a (new)**

*Text proposed by the Commission*

*Amendment*

*(-a) establishing a single point of contact to provide basic advice on energy services and to direct consumers to accredited*

*providers of energy efficiency services and goods.*

Or. en

*Justification*

*Building on the approach established in the third energy package, a single information point of contact is required to provide basic energy services advice and to signpost to accredited providers. Likewise, a single independent mechanism such as an energy ombudsman is required to ensure the efficient treatment of complaints and out of court settlements.*

**Amendment 70**

**Proposal for a directive  
Article 14 – point a**

*Text proposed by the Commission*

a) **making publicly available**, checking and regularly updating **a** list of available energy service providers and the energy services they offer;

*Amendment*

(a) checking and regularly updating **the** list of available, **accredited** energy service providers and the energy services they offer;

Or. en

*Justification*

*Building on the approach established in the third energy package, a single information point of contact is required to provide basic energy services advice and to signpost to accredited providers. Likewise, a single independent mechanism such as an energy ombudsman is required to ensure the efficient treatment of complaints and out of court settlements.*

**Amendment 71**

**Proposal for a directive  
Article 14 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

**(ba) ensuring that an independent mechanism is in place, such as an ombudsman, that is capable of acting across industry sectors to ensure the**

***efficient handling of complaints and out-of-court settlement of disputes arising from domestic household energy efficiency programmes involving multiple suppliers;***

Or. en

*Justification*

*Building on the approach established in the third energy package, a single information point of contact is required to provide basic energy services advice and to signpost to accredited providers. Likewise, a single independent mechanism such as an energy ombudsman is required to ensure the efficient treatment of complaints and out of court settlements.*

**Amendment 72**

**Proposal for a directive  
Article 14 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

***(ea) supporting independent market facilitators, networks and platforms which link demand and supply of energy efficiency services, and which promote the link between energy audits and implementation of energy efficiency improvement actions;***

Or. en

*Justification*

*Building on the approach established in the third energy package, a single information point of contact is required to provide basic energy services advice and to signpost to accredited providers. Likewise, a single independent mechanism such as an energy ombudsman is required to ensure the efficient treatment of complaints and out of court settlements.*

## Amendment 73

### Proposal for a directive Article 14 – point e b (new)

*Text proposed by the Commission*

*Amendment*

***(eb) supporting project facilitators which, in addition to market facilitators, give advice to public authorities on energy efficiency services tendering procedures, contract design, implementation of contracts and their monitoring for specific energy efficiency services projects.***

Or. en

*Justification*

*Building on the approach established in the third energy package, a single information point of contact is required to provide basic energy services advice and to signpost to accredited providers. Likewise, a single independent mechanism such as an energy ombudsman is required to ensure the efficient treatment of complaints and out of court settlements.*

## Amendment 74

### Proposal for a directive Article 15 – paragraph 1 – point b

*Text proposed by the Commission*

*Amendment*

b) legal and regulatory provisions, and administrative practices, regarding public purchasing and annual budgeting and accounting, with a view to ensuring that individual public bodies are not deterred from making ***efficiency-improving*** investments.

***(b) legal and regulatory provisions, and administrative practices, regarding public purchasing and annual budgeting and accounting, with a view to ensuring that individual public bodies are not deterred from making investments **improving energy efficiency and minimising expected life-cycle costs over the whole lifetime of the building or equipment;*****

Or. en

*Justification*

**Amendment 75**

**Proposal for a directive**

**Article 15 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) restrictions on energy companies so that they may not offer energy efficiency services, with a view to ensuring a level playing field in the market;***

Or. en

*Justification*

**Amendment 76**

**Proposal for a directive**

**Article 15 – paragraph 1 – point b b (new)**

*Text proposed by the Commission*

*Amendment*

***(bb) restrictions in public support programmes with crowding-out effects that are a barrier towards implementation of energy efficiency services by market actors with a view to ensuring a level playing field in the market and further developing businesses providing energy efficiency services;***

Or. en

*Justification*

## Amendment 77

### Proposal for a directive Article 15 – paragraph 1 – point b c (new)

*Text proposed by the Commission*

*Amendment*

***(bc) national laws regulating multi-owner property decision-making processes with the aim of facilitating investment in energy savings and setting up funds for this purpose.***

Or. en

*Justification*

## Amendment 78

### Proposal for a directive Article 16

*Text proposed by the Commission*

*Amendment*

For the purpose of comparison of energy savings and conversion to a comparable unit, the conversion factors in Annex IV shall apply ***unless the use of other conversion factors can be justified.***

For the purpose of comparison of energy savings and conversion to a comparable unit, the conversion factors in Annex IV shall apply.

Or. en

*Justification*

## Amendment 79

### Proposal for a directive Article 18 – paragraph 2

#### *Text proposed by the Commission*

2. The delegation of power referred to in Article 17 shall be conferred on the Commission for ***an indeterminate period of time*** from [the date of entry into force of this Directive].

#### *Amendment*

2. The delegation of power referred to in Article 17 shall be conferred on the Commission for a ***period of one year*** from the date of entry into force of this Directive.

Or. en

#### *Justification*

## Amendment 80

### Proposal for a directive Article 19 – paragraph 1

#### *Text proposed by the Commission*

1. ***By 30 April each year***, Member ***States*** shall report on the progress achieved towards national energy efficiency targets, in accordance with Annex XIV(1).

#### *Amendment*

1. ***Each*** Member ***State*** shall ***submit a*** report ***to the Commission*** on the progress achieved towards national energy efficiency targets, in accordance with Annex XIV(1) ***by 30 April 2013, and every year thereafter.***

Or. en

#### *Justification*

## Amendment 81

### Proposal for a directive Article 19 – paragraph 2 – subparagraph 1

#### *Text proposed by the Commission*

2. By 30 April **2014**, and every three years thereafter, Member State shall submit supplementary reports with information on national energy efficiency policies, action plans, programmes and measures implemented or planned at national, regional and local level to improve energy efficiency in view of achieving the national energy efficiency targets referred to in **Article 3 (1)**. The reports shall be complemented with updated estimates of expected overall primary energy consumption in 2020, as well as estimated levels of primary energy consumption in the sectors indicated in Annex XIV(1).

#### *Amendment*

2. By 30 April **2013**, and every three years thereafter, Member State shall submit supplementary reports with information on national energy efficiency policies, action plans, programmes and measures implemented or planned at national, regional and local level to improve energy efficiency in view of achieving the national energy efficiency targets referred to in **Article 3(1) and (2)**. The reports shall be complemented with updated estimates of expected overall primary energy consumption in **2014, 2016, 2018 and 2020**, as well as estimated levels of primary energy consumption in the sectors indicated in Annex XIV(1).

Or. en

#### *Justification*

## Amendment 82

### Proposal for a directive Article 19 – paragraph 2 – subparagraph 2

#### *Text proposed by the Commission*

The Commission shall, not later than **1 January 2014**, provide a template **as guidance** for the supplementary reports. This template shall **be adopted in accordance with the advisory procedure referred to in Article 20(2). The supplementary reports shall in any case include the information specified** in Annex XIV.

#### *Amendment*

The Commission shall, not later than **30 April 2012**, provide a template for the supplementary reports. This template shall **comprise the minimum requirements set out** in Annex XIV. **Member States shall comply with that template in the presentation of their national energy savings supplementary reports.**

Or. en

#### *Justification*

## Amendment 83

### Proposal for a directive Article 19 – paragraph 4

#### *Text proposed by the Commission*

4. The Commission shall evaluate the annual reports and supplementary reports and assess the extent to which Member States have made progress towards the achievement of the national energy efficiency targets required by Article 3(1) and towards the implementation of this Directive. The Commission shall send its assessment to the European Parliament and the Council. Based on its assessment of the reports the Commission may issue recommendations to Member States.

#### *Amendment*

4. The Commission shall evaluate the annual reports and supplementary reports and assess the extent to which Member States have made progress towards the achievement of the national energy efficiency targets required by Article 3(1) **and (2)** and towards the implementation of this Directive. The Commission shall send its assessment **and report every year** to the European Parliament and the Council. Based on its assessment of the reports the Commission may issue recommendations to Member States. **The first assessment and report shall be submitted to the**

*Justification*

*The reporting system under this directive should be as lean as possible but still concrete and clear enough to be comparable and identify best practice. The system should monitor progress and assess the effectiveness of the different measures. The information should be publicly disclosed.*

**Amendment 84**

**Proposal for a directive  
Article 19 – paragraph 5 – subparagraph 1**

*Text proposed by the Commission*

5. The Commission's assessment of the first supplementary report shall include an assessment of the energy efficiency levels of existing and new installations undertaking the combustion of fuels with a total rated thermal input of 50 MW or more and installations undertaking the refining of mineral oil and gas, in the light of the relevant best available techniques as developed in accordance with Directive 2010/75/EU and Directive 2008/1/EC. Where this assessment identifies **significant** discrepancies between the actual energy efficiency levels of such installations and energy efficiency levels associated with the application of the relevant best available techniques, the Commission shall propose, if appropriate, **requirements to improve the energy efficiency levels achieved by such installations or** that the use of such techniques shall in future be a condition for the permitting of new installations and for the periodic review of the permits for

*Amendment*

5. The Commission's assessment of the first supplementary report shall include an assessment of the energy efficiency levels of existing and new installations undertaking the combustion of fuels with a total rated thermal input of 50 MW or more and installations undertaking the refining of mineral oil and gas, in the light of the relevant best available techniques as developed in accordance with Directive 2010/75/EU and Directive 2008/1/EC. Where this assessment identifies discrepancies between the actual energy efficiency levels of such installations and energy efficiency levels associated with the application of the relevant best available techniques, the Commission shall propose, if appropriate, that the use of such techniques shall in future be a condition for the permitting of new installations and for the periodic review of the permits for existing installations.

existing installations.

Or. en

*Justification*

**Amendment 85**

**Proposal for a directive  
Article 19 – paragraph 5 – subparagraph 2**

*Text proposed by the Commission*

The Commission shall ***also monitor the impact of implementing this Directive on*** Directive 2003/87/EC, Directive 2009/28/EC as well as Directive 2010/31/EC.

*Amendment*

The Commission shall ***submit proposals to align*** Directive 2003/87/EC, Directive 2009/28/EC, ***Decision No 406/2009/EC*** as well as Directive 2010/31/EC ***to this Directive.***

Or. en

*Justification*

**Amendment 86**

**Proposal for a directive  
Article 19 – paragraph 7**

*Text proposed by the Commission*

***7. By 30 June 2014 the Commission shall submit the assessment referred to in Article 3(2) to the European Parliament and to the Council, followed, if appropriate, by a legislative proposal laying down mandatory national targets.***

*Amendment*

***deleted***

Or. en

*Justification*

*The double step approach of the Commission would delay the final decision on mandatory*

*national targets until at least end of 2016, i.e. too late for having an impact on the 2020 target. However, this approach is not needed anymore if the national targets are set according to the already existing national targets and the amended Article 3 and its related Annex -1.*

## **Amendment 87**

### **Proposal for a directive Article 19 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***7a. By 30 June 2013, the Commission shall present an analysis and action plan on the financing of energy savings and energy efficient technologies with a view, in particular, to:***

- (a) better use of cohesion and structural funds and framework programmes;***
- (b) better and increased use of funds from the European Investment Bank and other public finance institutions;***
- (c) better access to risk capital notably by analysing the feasibility of a risk sharing facility for investments in energy savings; and***
- (d) better coordination of Union, national and regional/local funding and other forms of support.***

Or. en

*Justification*

## Amendment 88

### Proposal for a directive Article 19 – paragraph 8

#### *Text proposed by the Commission*

8. By 30 June **2018**, the Commission shall report to the European Parliament and the Council on the implementation of Article 6. That report shall be followed, if appropriate, by a legislative proposal for one or more of the following purposes:

#### *Amendment*

8. By 30 June **2017**, the Commission shall report to the European Parliament and the Council on the implementation of Article 6. That report shall be followed, if appropriate, by a legislative proposal for one or more of the following purposes:

Or. en

#### *Justification*

## Amendment 89

### Proposal for a directive Article 19 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

#### *Article 19a*

#### *Accompanying programme*

***To foster the practical implementation of this Directive at national, regional and local levels, the Commission shall develop an accompanying instrument under the "Intelligent Energy — Europe" programme (Decision No 1639/2006/EC of the European Parliament and of the Council<sup>1</sup>) This instrument shall support the exchange of experiences on practices, benchmarking, networking activities, as well as innovative practices.***

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<sup>1</sup> OJ L 310, 9.11.2006, p. 15.

*Justification*

*The existing EU programs like the “Intelligent Energy Europe” program needs to be prolonged.*

**Amendment 90**

**Proposal for a directive  
Annex -I (new)**

*Text proposed by the Commission*

*Amendment*

***ANNEX -I***

***National Energy Savings Targets***

***A. National Energy Saving target in 2020  
(in primary energy)***

	<i>Maximum primary energy consumption in 2020 (Mtoe)</i>	<i>Minimum energy saving target - Reduction of primary energy consumption in 2020 (Mtoe) (<math>S_{2020}</math>)</i>
<i>Belgium</i>	<i>tbd</i>	<i>tbd</i>
<i>Bulgaria</i>	<i>tbd</i>	<i>tbd</i>
<i>The Czech Republic</i>	<i>tbd</i>	<i>tbd</i>
<i>Denmark</i>	<i>tbd</i>	<i>tbd</i>
<i>Germany</i>	<i>tbd</i>	<i>tbd</i>
<i>Estonia</i>	<i>tbd</i>	<i>tbd</i>
<i>Ireland</i>	<i>tbd</i>	<i>tbd</i>
<i>Greece</i>	<i>tbd</i>	<i>tbd</i>
<i>Spain</i>	<i>tbd</i>	<i>tbd</i>
<i>France</i>	<i>tbd</i>	<i>tbd</i>
<i>Italy</i>	<i>tbd</i>	<i>tbd</i>
<i>Cyprus</i>	<i>tbd</i>	<i>tbd</i>
<i>Latvia</i>	<i>tbd</i>	<i>tbd</i>
<i>Lithuania</i>	<i>tbd</i>	<i>tbd</i>
<i>Luxembourg</i>	<i>tbd</i>	<i>tbd</i>
<i>Hungary</i>	<i>tbd</i>	<i>tbd</i>
<i>Malta</i>	<i>tbd</i>	<i>tbd</i>
<i>The Netherlands</i>	<i>tbd</i>	<i>tbd</i>
<i>Austria</i>	<i>tbd</i>	<i>tbd</i>
<i>Poland</i>	<i>tbd</i>	<i>tbd</i>
<i>Portugal</i>	<i>tbd</i>	<i>tbd</i>
<i>Romania</i>	<i>tbd</i>	<i>tbd</i>
<i>Slovenia</i>	<i>tbd</i>	<i>tbd</i>
<i>The Slovak Republic</i>	<i>tbd</i>	<i>tbd</i>
<i>Finland</i>	<i>tbd</i>	<i>tbd</i>
<i>Sweden</i>	<i>tbd</i>	<i>tbd</i>
<i>United Kingdom</i>	<i>tbd</i>	<i>tbd</i>
<i>EU</i>	<i>1474</i>	<i>368</i>

where

'tbd' means 'to be determined'

$S_{2020}$  = the energy saving for that Member State in 2020

**B. Indicative trajectory**

**The indicative trajectory referred to in Article 3(2) shall respect the following primary energy saving path towards each Member State's 2020 target:**

**XX%\* ( $S_{2020}$ ), in 2014;**

**YY%\* ( $S_{2020}$ ), in 2016;**

**ZZ%\* ( $S_{2020}$ ), in 2018;**

**where**

**$S_{2020}$  = the energy saving for that Member State in 2020 as indicated in the right column of the table in Part A.**

Or. en

*Justification*

*The Rapporteur did not address the effort sharing issue in the draft report as he believes that the sensitivity of the issue requires an in depth debate with MEPs first. However, Member States have set energy saving targets in their National Reform Programmes, and/or at national level. The gap between the estimated EU 2020 target (sum of national targets) and the EU headline target - requiring a reduction of EU primary energy consumption of at least 368 Mtoe in 2020 -, will therefore have to be distributed during the course of the discussion of this Directive.*

*To ensure that the 2020 saving targets are achieved, Member States should work towards an indicative trajectory tracing a path towards the achievement of their targets. It will allow the Commission to make the necessary monitoring and verification towards the achievement of the overall EU energy saving target. The Rapporteur is of the opinion that this path (namely the XX, YY and ZZ numbers) need an in depth debate with MEPs before fixing it definitely.*

## Amendment 91

### Proposal for a directive Annex IV – heading – footnote

*Text proposed by the Commission*

*Amendment*

Energy content of selected fuels for end use – conversion table<sup>41</sup>

Energy content of selected fuels for end use – conversion table

***<sup>41</sup> Member States may apply different conversion factors if these can be justified.***

***deleted***

Or. en

#### *Justification*

*The table under this Annex offers already some range of conversion factors, which should be used in an as harmonised manner as possible throughout the EU. The proposed footnote introduces uncertainties and must therefore be deleted.*

## Amendment 92

### Proposal for a directive Annex IV – Note 3

*Text proposed by the Commission*

*Amendment*

[3] Applicable when energy savings are calculated ***in primary energy terms*** using a bottom-up approach based on final energy consumption. For savings in ***kWh electricity*** Member States ***may*** apply a default coefficient of 2,5. ***Member States may apply a different coefficient provided they can justify it.***

[3] Applicable when energy savings are calculated using a bottom-up approach based on final energy consumption. For ***the calculation of electricity*** savings in ***primary energy terms***, Member States ***shall*** apply a default coefficient of 2,5 ***for 1 kWh (NCV) of electricity, unless a national standard value has been legally fixed.***

Or. en

#### *Justification*

*The same default value should apply to all Member States when converting the electricity savings from final consumption to primary energy terms. However, Member States which have fixed such a conversion factor by law will be allowed to use it under this Directive.*

## Amendment 93

### Proposal for a directive Annex V – title

*Text proposed by the Commission*

*Amendment*

Energy **efficiency** obligation schemes

Energy **saving** obligation schemes

Or. en

#### *Justification*

*Based on the experience gained in countries which have already set up such an energy obligation saving scheme, it is important to limit these schemes to projects which prove to be additional. The Directive should exclude or limit activities with low additionally.*

## Amendment 94

### Proposal for a directive Annex V – section 1 – introductory part

*Text proposed by the Commission*

*Amendment*

1. Measures that target **short-term savings**

1. Measures that **do not count towards the energy saving** target

The following measures shall be **considered as targeting short-term savings**:

The following measures shall be **excluded from the energy savings target referred to in Article 6**:

Or. en

#### *Justification*

*Based on the experience gained in countries which have already set up such an energy obligation saving scheme, it is important to limit these schemes to projects which prove to be additional. The Directive should exclude or limit activities with low additionally.*

## Amendment 95

### Proposal for a directive Annex V – section 1 – point a

*Text proposed by the Commission*

*Amendment*

a) distribution or installation of **energy efficient** compact fluorescent light bulbs;

(a) distribution or installation of compact fluorescent light bulbs;

Or. en

#### *Justification*

*Based on the experience gained in countries which have already set up such an energy obligation saving scheme, it is important to limit these schemes to projects which prove to be additional. The Directive should exclude or limit activities with low additionally.*

## Amendment 96

### Proposal for a directive Annex V – section 1 – point a a (new)

*Text proposed by the Commission*

*Amendment*

**(aa) fuel switching;**

Or. en

#### *Justification*

*Based on the experience gained in countries which have already set up such an energy obligation saving scheme, it is important to limit these schemes to projects which prove to be additional. The Directive should exclude or limit activities with low additionally.*

## Amendment 97

### Proposal for a directive Annex V – section 1 – point a b (new)

*Text proposed by the Commission*

*Amendment*

**(ab) distribution or installation of households appliances that are not**

***classified in the highest class of the energy label or which have reached 30% market penetration;***

Or. en

*Justification*

*Based on the experience gained in countries which have already set up such an energy obligation saving scheme, it is important to limit these schemes to projects which prove to be additional. The Directive should exclude or limit activities with low additionally.*

**Amendment 98**

**Proposal for a directive  
Annex V – section 1 – point a c (new)**

*Text proposed by the Commission*

*Amendment*

***(ac) distribution or installation of heat pumps with a COP below or equal to 4;***

Or. en

*Justification*

*Based on the experience gained in countries which have already set up such an energy obligation saving scheme, it is important to limit these schemes to projects which prove to be additional. The Directive should exclude or limit activities with low additionally.*

**Amendment 99**

**Proposal for a directive  
Annex V – section 1 – point c**

*Text proposed by the Commission*

*Amendment*

***c) energy audits;***

***(c) distribution or installation of smart meters;***

Or. en

*Justification*

*Based on the experience gained in countries which have already set up such an energy*

*obligation saving scheme, it is important to limit these schemes to projects which prove to be additional. The Directive should exclude or limit activities with low additionally.*

## **Amendment 100**

### **Proposal for a directive Annex V – section 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Measures that target short-term savings***

***(a) distribution or installation of households appliances classified in the highest class of the energy label and which have not reached 30% market penetration;***

***(b) distribution or installation of heat pumps with a COP above 4;***

***(c) energy audits.***

Or. en

*Justification*

*Based on the experience gained in countries which have already set up such an energy obligation saving scheme, it is important to limit these schemes to projects which prove to be additional. The Directive should exclude or limit activities with low additionally.*

## **Amendment 101**

### **Proposal for a directive Annex V – section 2 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***The national regulatory authority (NRA) is responsible for verification, documentation and reporting. The obligated parties are obliged to carry out independent audit each second year and quality control are required every year. The NRA will undertake special***

***control of the documentation and reporting on an annual basis. The standard values (deemed savings) and the methodology used for an engineering approach shall be approved by the NRA.***

Or. en

*Justification*

*In order to get confidence in this new scheme, the energy saving calculations / methodologies and verification must be done by an independent body.*

**Amendment 102**

**Proposal for a directive  
Annex V – section 2 – subparagraph 2**

*Text proposed by the Commission*

Obligated parties **may** use one or more of the following methods for calculating energy savings for the purposes of Article 6(2):

*Amendment*

***In this framework***, obligated parties **shall** use one or more of the following methods for calculating energy savings for the purposes of Article 6(2):

Or. en

*Justification*

*In order to get confidence in this new scheme, the energy saving calculations / methodologies and verification must be done by an independent body.*

**Amendment 103**

**Proposal for a directive  
Annex V – section 2 – point d**

*Text proposed by the Commission*

**d)** the default values and lifetimes in points 3 and 4 where no national standard values

*Amendment*

The default values and lifetimes in points 3 and 4 where no national standard values and lifetimes have been established. **The**

and lifetimes have been established;

*default values and lifetimes will be updated each year by the European Commission to reflect technological innovation.*

Or. en

*Justification*

*In order to get confidence in this new scheme, the energy saving calculations / methodologies and verification must be done by an independent body.*

**Amendment 104**

**Proposal for a directive  
Annex V – section 3.1. – point a**

*Text proposed by the Commission*

**a. FREEZERS AND REFRIGERATOR-FREEZERS DISTINGUISHED**

	refrigerator- freezers	Freezers
<b>*Class A+ Deemed savings (kWh/year)</b>	<b>64</b>	<b>62</b>
<b>**Class A+ Deemed savings (kWh/year)</b>	<b>76</b>	<b>73</b>
Class A++Deemed savings (kWh/year)	<b>129</b>	<b>123</b>
Class A+++Deemed savings (kWh/year)	<b>193</b>	<b>185</b>

*Amendment*

**a. FREEZERS AND REFRIGERATOR-FREEZERS DISTINGUISHED**

	refrigerator- freezers	Freezers
<i>deleted</i>	<i>deleted</i>	<i>deleted</i>

<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
Class A++Deemed savings (kWh/year)	<i>na</i>	<i>na</i>
Class A+++Deemed savings (kWh/year)	<i>na</i>	<i>na</i>

Or. en

### *Justification*

*The default savings values in the Commission's proposal are calculated using as a reference the efficiency of the least efficient class of the energy label. With these default savings values a high amount of savings will be accounted for where 'in reality' there are none. In order to avoid this, calculations and the savings allocation have to be done in a more conservative manner. The proposed values changes were calculated for the Rapporteur by Topten - [www.topten.eu/](http://www.topten.eu/) -(a consumer-oriented online search tool, which presents the best appliances in various categories of products)*

### **Amendment 105**

**Proposal for a directive**  
**Annex V – section 3.1. – point b**

*Text proposed by the Commission*

#### **b. FREEZERS AND REFRIGERATOR-FREEZERS NOT DISTINGUISHED**

	refrigerator-freezers and freezers
*Class A+ Deemed savings (kWh/year)	<b>64</b>
**Class A+ Deemed savings (kWh/year)	<b>75</b>
Class A++Deemed savings (kWh/year)	<b>128</b>
Class A+++Deemed savings (kWh/year)	<b>191</b>

*Amendment*

**b. FREEZERS AND REFRIGERATOR-FREEZERS NOT DISTINGUISHED**

	refrigerator-freezers and freezers
*Class A+ Deemed savings (kWh/year)	0
**Class A+ Deemed savings (kWh/year)	0
Class A++Deemed savings (kWh/year)	68
Class A+++Deemed savings (kWh/year)	125

Or. en

*Justification*

*The default savings values in the Commission's proposal are calculated using as a reference the efficiency of the least efficient class of the energy label. With these default savings values a high amount of savings will be accounted for where 'in reality' there are none. In order to avoid this, calculations and the savings allocation have to be done in a more conservative manner. The proposed values changes were calculated for the Rapporteur by Topten - [www.topten.eu/](http://www.topten.eu/) -(a consumer-oriented online search tool, which presents the best appliances in various categories of products)*

**Amendment 106**

**Proposal for a directive  
Annex V – section 3.1. – point c**

*Text proposed by the Commission*

**c. DOMESTIC WASHING MACHINES**

**\*Until 30 November 2013**

Class A+ deemed savings (kWh/year)	26
Class A++ deemed savings (kWh/year)	46

Class A+++ deemed savings (kWh/year)	<b>63</b>
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**\*From 1 December 2013**

Class A++ deemed savings (kWh/year)	<b>20</b>
Class A+++ deemed savings (kWh/year)	37

\*From 1 December 2013 for household washing machines with a rated capacity equal to or higher than 4 kg, the Energy Efficiency Index (EEI) shall be less than 59 (See Annex I of Commission Regulation (EU) No 1015/2010).

*Amendment*

**c. DOMESTIC WASHING MACHINES**

**\*Until 30 November 2013**

Class A+ deemed savings (kWh/year)	<b>0</b>
Class A++ deemed savings (kWh/year)	<b>29</b>
Class A+++ deemed savings (kWh/year)	<b>55</b>

**\*From 1 December 2013**

Class A++ deemed savings (kWh/year)	<b>13</b>
Class A+++ deemed savings (kWh/year)	37

\*From 1 December 2013 for household washing machines with a rated capacity equal to or higher than 4 kg, the Energy Efficiency Index (EEI) shall be less than 59 (See Annex I of Commission Regulation (EU) No 1015/2010).

*Or. en*

*Justification*

*The default savings values in the Commission's proposal are calculated using as a reference the efficiency of the least efficient class of the energy label. With these default savings values a high amount of savings will be accounted for where 'in reality' there are none. In order to avoid this, calculations and the savings allocation have to be done in a more conservative manner. The proposed values changes were calculated for the Rapporteur by Topten -*

[www.topten.eu/](http://www.topten.eu/) -(a consumer-oriented online search tool, which presents the best appliances in various categories of products)

## **Amendment 107**

### **Proposal for a directive Annex V – section 3.1. – point d**

*Text proposed by the Commission*

#### **d. DOMESTIC DISHWASHERS**

**Until 30 November 2013\*\***

Class A+ deemed savings (kWh/year)	<b>37</b>
Class A++ deemed savings (kWh/year)	<b>69</b>
Class A+++ deemed savings (kWh/year)	<b>97</b>

**\*\*From 1 December 2013**

Class A++ deemed savings (kWh/year)	32
Class A+++ deemed savings (kWh/year)	60

\*\*From 1 December 2013 For household dishwashers with a rated capacity equal to or higher than 11 place settings and household dishwashers with a rated capacity of 10 place settings and a width higher than 45 cm, the Energy Efficiency Index (EEI) shall be less than 63 (see COMMISSION REGULATION (EU) No 1016/2010 Annex I)

*Amendment*

#### **d. DOMESTIC DISHWASHERS**

**Until 30 November 2013\*\***

Class A+ deemed savings (kWh/year)	<b>0</b>
Class A++ deemed savings (kWh/year)	<b>33</b>
Class A+++ deemed savings (kWh/year)	<b>61</b>

**\*\*From 1 December 2013**

Class A++ deemed savings (kWh/year)	32
Class A+++ deemed savings (kWh/year)	60

**\*\*From 1 December 2013** For household dishwashers with a rated capacity equal to or higher than 11 place settings and household dishwashers with a rated capacity of 10 place settings and a width higher than 45 cm, the Energy Efficiency Index (EEI) shall be less than 63 (see COMMISSION REGULATION (EU) No 1016/2010 Annex I)

Or. en

*Justification*

*The default savings values in the Commission's proposal are calculated using as a reference the efficiency of the least efficient class of the energy label. With these default savings values a high amount of savings will be accounted for where 'in reality' there are none. In order to avoid this, calculations and the savings allocation have to be done in a more conservative manner. The proposed values changes were calculated for the Rapporteur by Topten - [www.topten.eu/](http://www.topten.eu/) -(a consumer-oriented online search tool, which presents the best appliances in various categories of products)*

## Amendment 108

### Proposal for a directive Annex V – section 3.2.

*Text proposed by the Commission*

#### 3.2. Residential Lighting

*Unitary energy savings GLS to CFL 16 kWh/year*

Unitary energy savings GLS to LED            **17 kWh/year**

*Amendment*

#### 3.2. Residential Lighting

*deleted*

Unitary energy savings GLS to LED            **12 kWh/year**

Or. en

*Justification*

*The default savings values in the Commission's proposal are calculated using as a reference the efficiency of the least efficient class of the energy label. With these default savings values a high amount of savings will be accounted for where 'in reality' there are none. In order to avoid this, calculations and the savings allocation have to be done in a more conservative manner. The proposed values changes were calculated for the Rapporteur by Topten - [www.topten.eu/](http://www.topten.eu/) -(a consumer-oriented online search tool, which presents the best appliances in various categories of products)*

## Amendment 109

### Proposal for a directive Annex V – section 4

*Text proposed by the Commission*

#### 4. Default lifetimes

Energy efficiency improvement measure	Default lifetime in
---------------------------------------	---------------------

through replacement of component	years
Boiler - condensing	<b>20</b>
Boiler – direct evacuation	<b>20</b>
Burners, oil and gas	<b>10</b>
Control equipment	<b>15-20</b>
Control system – central	<b>15-25</b>
Control system – room control	<b>15-25</b>
Heating control: Control valves, automatic	<b>10</b>
<b>Meters</b>	<b>10</b>

*Amendment*

**4. Default lifetimes**

Energy efficiency improvement measure through replacement of component	Default lifetime in years
Boiler - condensing	<b>12</b>
Boiler – direct evacuation	<b>12</b>
Burners, oil and gas	<b>deleted</b>
Control equipment	<b>deleted</b>
Control system – central	<b>deleted</b>
Control system – room control	<b>deleted</b>
Heating control: Control valves, automatic	<b>deleted</b>
<b>deleted</b>	<b>deleted</b>

Or. en

*Justification*

*The default savings values in the Commission's proposal are calculated using as a reference the efficiency of the least efficient class of the energy label. With these default savings values a high amount of savings will be accounted for where 'in reality' there are none. In order to avoid this, calculations and the savings allocation have to be done in a more conservative manner. The proposed values changes were calculated for the Rapporteur by Topten - [www.topten.eu/](http://www.topten.eu/) -(a consumer-oriented online search tool, which presents the best appliances in various categories of products)*

## Amendment 110

### Proposal for a directive Annex V a (new)

*Text proposed by the Commission*

*Amendment*

#### *Annex Va*

#### *Energy Saving Formula*

$$S_n = \sum_{i=0}^{n-1} 0.015 \cdot E_i = 0.015 \cdot \sum_{i=0}^{n-1} E_i \quad \text{for } n \geq 1$$

*where:*

- *n* = number of years since introduction of the Energy Efficiency Directive,
- *E<sub>n</sub>* = energy sale in year number *n*,
- *S<sub>n</sub>* = energy saving obligations in year number *n*.

Or. en

#### *Justification*

*Under Article 6 on energy saving schemes, each Member State should ensure that the 1.5% savings achieved each year are additional to the savings achieved in each previous year. The formula helps to understand the cumulative savings effect as proposed by the Commission in Article 6 paragraph 1.*

## Amendment 111

### Proposal for a directive Annex XIV – part 1 – point c

*Text proposed by the Commission*

*Amendment*

c) the total building floor area of the buildings ***with a total useful floor area over 250 m<sup>2</sup>*** owned by its public bodies that, on 1 January of the year in which the report is due, did not meet the energy performance requirements referred to in Article 4(1);

(c) the total building floor area of the buildings owned ***or occupied*** by its public bodies that, on 1 January of the year in which the report is due, did not meet the energy performance requirements referred to in Article 4(1);

Or. en

*Justification*

**Amendment 112**

**Proposal for a directive  
Annex XIV – part 1 – point d**

*Text proposed by the Commission*

d) the total building floor area owned by the Member States' public bodies that was renovated in the previous year.

*Amendment*

(d) the total building floor area owned ***or occupied*** by the Member States' ***regional or local*** public bodies ***and authorities*** that was renovated in the previous year ***in application of Article 4(1)***.

Or. en

*Justification*

**Amendment 113**

**Proposal for a directive  
Annex XIV – part 1 – point e**

*Text proposed by the Commission*

e) energy savings achieved through the national energy efficiency obligation schemes referred to in Article 6(1) ***or the alternative measures adopted in application of Article 6(9)***.

*Amendment*

(e) energy savings achieved through the national energy efficiency obligation schemes referred to in Article 6(1) .

Or. en

*Justification*

## Amendment 114

### Proposal for a directive Annex XIV – part 1 – last sentence

*Text proposed by the Commission*

*Amendment*

***The first report shall also include the national target referred to in Article 3(1).***

***deleted***

Or. en

*Justification*

## Amendment 115

### Proposal for a directive Annex XIV – part 2 – section 1 – indent 2

*Text proposed by the Commission*

*Amendment*

– The national indicative energy savings ***target*** set in Article 4(1) of Directive 2006/32/EC;

– The national indicative energy savings ***targets*** set in ***Article 3a(3) and Article 4 of this Directive as well as in*** Article 4(1) of Directive 2006/32/EC;

Or. en

*Justification*

## Amendment 116

### Proposal for a directive Annex XIV – part 2 – section 3. -1. (new)

*Text proposed by the Commission*

*Amendment*

***3.-1. Financial support (Article 2a)***

*Supplementary reports shall include information on the establishment of the financing facilities and the availability of funds in accordance with Article 2a(1).*

Or. en

*Justification*

## **Amendment 117**

### **Proposal for a directive**

#### **Annex XIV – Part 2 – section 3. -1a. (new)**

*Text proposed by the Commission*

*Amendment*

#### **3.-1a. Building renovation (Article 3a)**

*Supplementary reports shall include an assessment of the progress achieved in implementing the national building renovation plan referred to in Article 3a.*

*Supplementary reports shall include in particular an assessment of the measures taken in order to ensure that*

- *tenants are not financially penalised*
- *the social challenges are addressed*
- *worst energy performing buildings are renovated first*

*in accordance with Article 3a(3), (4) and (5).*

Or. en

*Justification*

## Amendment 118

### Proposal for a directive Annex XIV – Part 2 – section 3.2.

#### *Text proposed by the Commission*

Supplementary reports shall include the national coefficients chosen in accordance with Annex IV.

The first supplementary report shall include a short description of the national scheme referred to in Article 6(1) **or the alternative measures adopted in application of Article 6(9).**

#### *Amendment*

Supplementary reports shall include the **applied national conversion factors referred to in Article 16 and** in accordance with Annex IV.

The first supplementary report shall include a short description of the national scheme referred to in Article 6(1).

Or. en

#### *Justification*

## Amendment 119

### Proposal for a directive Annex XIV – Part 2 – section 3.3 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

#### **3.3a. Consumer information and empowering programme (Article 8a)**

**Supplementary reports shall include an assessment of the progress achieved in implementing the national strategy to empower small energy customers referred to in Article 8a.**

Or. en

#### *Justification*



## EXPLANATORY STATEMENT

### I. ENERGY EFFICIENCY – MAKE OR BREAK!

If the European Union fails on energy efficiency, it fails on climate change, energy security, green growth and social protection.

#### 1) Tackling Climate Change and Resource scarcity

Those climate and energy scenarios that meet the 2 degree Celsius global temperature target require ambitious energy saving and energy efficiency policies<sup>1</sup>. Energy efficiency has also been shown to be the cheapest and quickest way to reduce CO<sub>2</sub> emissions<sup>2</sup>.

#### 2) Reducing EU's foreign energy dept and increasing EU's geopolitical independence and energy security

The EU is spending more than €400 billion per year to import energy. Realising the minimum 20% energy savings target will not only enhance our energy security but also reduce by at least €50 billion per year the wealth transfer from EU economies to energy producing countries.

#### 3) Ensuring sustainable growth in a time of economic crisis

The EU's leading role in the design, operation and production of efficiency technology and services is under threat. While European companies are still market leaders in certain fields, widening and deepening a market for energy efficiency within the EU will help these green technology companies to compete globally.

Millions of jobs will be created in the EU at the local and national levels, including in the building sector, by leveraging additional private investment capital. In addition the EU's heavy industry and small and medium enterprises will be supported to deliver higher energy productivity, which is essential to compete in the global market.

#### 4) Keeping energy costs under control

Competition between energy suppliers will not be sufficient to keep energy costs under control as prices per energy unit are likely to continue to rise. Therefore, policies and measures must lead to an absolute reduction in energy consumption, which will reduce the overall energy cost for consumers and therefore freeing the income of EU citizens and businesses and also reduce expenditure in the public sector.

Effective saving measures can reduce the investment needs of power plants by 50% and the transmission grid by 30% until 2030. In addition the creation of national and regional demand response markets will create a downward pressure on the wholesale electricity prices<sup>3</sup>.

Increasing prices per energy unit in the middle of an economic crisis will also affect the low income households. Combating fuel poverty must be at the heart of this legislation.

## **II. THE EU ENERGY EFFICIENCY DIRECTIVE - CONCRETE MEASURES TO FILL AN URGENT NEED**

A common EU approach is necessary to reinforce energy savings, energy efficiency and innovation, achieve economies of scale and reduce the bureaucratic burden in all Member States. EU-Efficiency policy will build on existing and well-functioning regional and national policies while leaving the necessary flexibility to take account of local and national specificities.

The European success story has to be built on two foundations:

### *a) pre-financing of efficiency measures*

In times of fiscal uncertainty, investors' confidence can not (only) rely on public support. In order to direct the necessary private capital into the energy efficiency sector your Rapporteur proposes

- binding targets and measures: experience from the EU climate and renewables legislation shows that binding targets for Member States are necessary. They create higher visibility, political commitment and investment certainty and mobilise resources and actions. The overall positive macro-economic and geopolitical benefits for the EU economy and citizens of stringent energy efficiency measures justify binding targets.
- new stable non-government funds: experience in the US with system public benefit charges and in several EU countries with energy saving obligations (UK, DK or FR) shows that small levies or obligations on all customers or retailers can raise substantial and constant funding.
- new business models: energy saving companies (ESCOs) in the US and China are pre-financing large amount of the energy efficiency investments. Their benefits are then shared between them and their customers. The UK energy saving obligation model is also going into that direction.

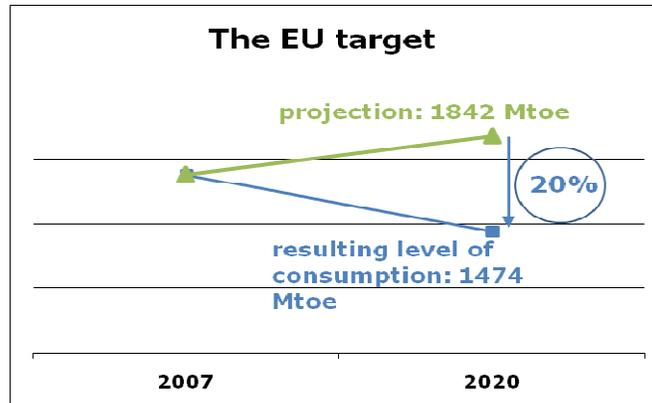
### *b) Triggering technological, financial and social innovation*

- accelerating the learning curve: In order to speed up the reduction of costs for far reaching renovation, a critical mass of investments are needed to kick start the necessary technological but above all organisational innovation.
- strengthen public participation: Consumer organisations at the local and regional levels need to be involved in the setting up of efficiency measures.

Your Rapporteur suggests therefore the following approach for the proposed Directive.

### 1) Set binding targets at EU and national level (Art. 1&3)

This Directive is Europe's chance to honour the Heads of State's energy and climate commitment of March 2007 and February 2011: Realising a 20% rise in the EU's energy efficiency will lead to a 368 million tons of oil equivalents (Mtoe) reduction against the trend by 2020.



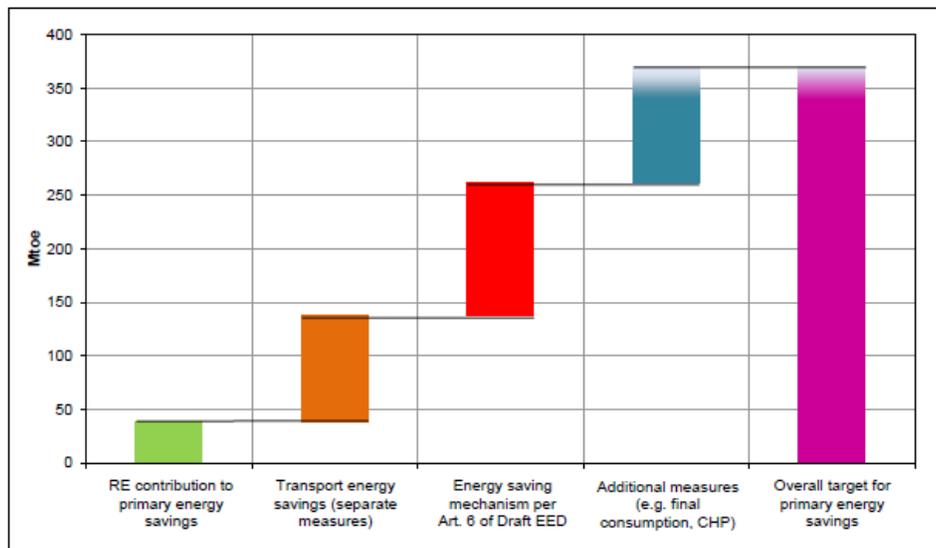
However, current efforts will only achieve half of the target, wasting €1.000 per household<sup>4</sup> per year and leading to the unnecessary construction of new power plants and the importation of greater quantities of gas and oil.

Extensive studies have shown that this energy saving gap can be closed with the rapid introduction of new measures<sup>5</sup>, yet, the two step approach on target setting proposed by EU commission will de facto mean that the required action is put on hold until at least 2016 - this is unacceptable.

Binding targets should be applied uniformly through an effort sharing system using the country specific energy use starting points. Current energy improvement potentials across the EU are similar and a number of studies have shown that even countries with long standing energy efficiency policies have not yet captured their full economic benefits nor reached the technical limits.<sup>6</sup>

Therefore your Rapporteur believes that each country should achieve the same percentage of energy savings based on the current country specific energy consumption level. The respective national targets should be expressed in primary energy terms to allow the measurement and comparison of progress across the EU over time.

As the graph<sup>7</sup> below shows, the 20% efficiency targets at national level can be achieved by combining a number of policies and measures in different sectors. However, by far the most important measure to be able to realise the overall 20% target is the 1.5% yearly end-use energy saving obligation (as introduced by art. 6).



Source: Dr. Felix Matthes, Öko-Institut - Institute for Applied Ecology, 2011

## 2) Design and reinforce (pre-) financing energy efficiency instruments (art. 2. a new)

Achieving Europe's energy saving objective requires investments of between €800 – 1200 billion in the next decade.<sup>8</sup> The pay-back period of these investments is usually between 4 - 8 years and will create numerous jobs and trigger innovation. However, support to leverage the necessary private capital has to be organised.

- The proposed directive should establish dedicated national funds using existing EU funding streams, for example the Structural and Cohesion Funds which should prioritise energy efficiency and project bonds focused on efficiency investments. In addition innovative financing instruments, like revolving funds, should use the EU funds and the national revenues from EU ETS auctioning to leverage private capital. The existing EU programs like the “Energy Intelligent Europe” program should also be prolonged.

- The proposed savings obligations, as created by art. 6, can provide much of the necessary funds. Achieving these savings obligations would mobilise around €400 billion by 2020. Savings obligation schemes are a stable, predictable and powerful financial instrument and will also accelerate the transformation to a new business model for EU energy companies.

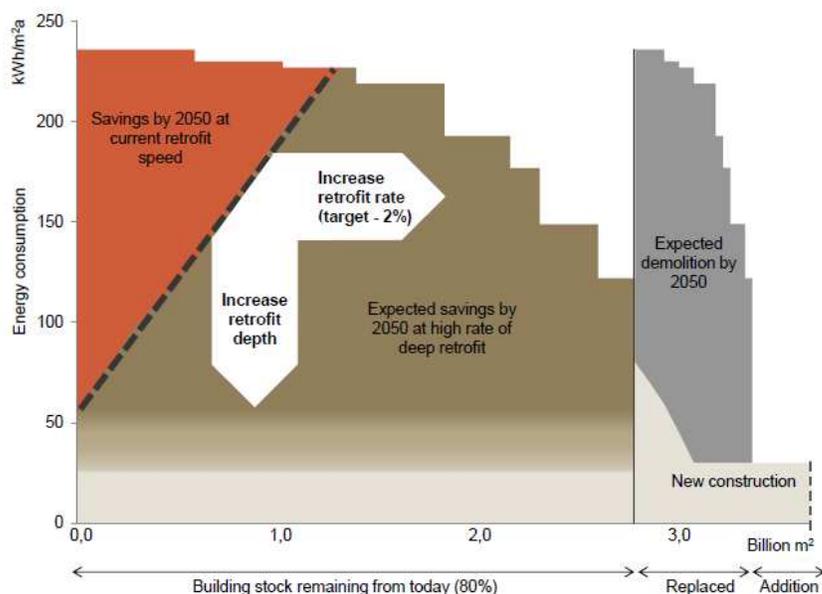
- National authorities should also consider encouraging the use of private savings in energy efficiency investments through dedicated financial instruments (like the French project for a “livret d'épargne Vert” or the upcoming EU legislation on green investment funds).

### 3) Reinforce the energy proofing of our buildings (art. 4a new, art. 4)

Today's EU legislation does not offer a sufficient foundation for the necessary paradigm shift, therefore your Rapporteur proposes to opt for a longer term approach through the establishment of national "2050 building roadmaps", as are currently developed in Germany.

EU buildings represent 40% of all EU energy consumption and the potential of savings in the existing building stock is considerable and largely untapped.

As illustrated by the graph below Member States will have to increase both the energy related renovation rate up to at least 2% yearly and go "deeper" with the savings with each renovation.



Source: Karsten Neuhoff et al. DIW - CPI, September 2011 - Thermal efficiency retrofit of residential buildings: The German experience

Your Rapporteur welcomes the 3% binding renovation rate for buildings of public bodies. Buildings owned and occupied by public bodies can serve as a leverage to trigger the necessary technical, financial and organisational innovation (especially for "deep renovation") and to create an ESCO market.

### 4) Strengthen public procurement and other measures to accelerate the replacement rate of old inefficient energy using products (art. 5)

To get the full benefit of policies for energy savings of products vigorous action are needed on the national level both on public procurement and on the creation of the general market pull by consumers for the best of class products.

### **5) Set an energy end use saving target (art. 6)**

This article is the center-piece of the directive. Your Rapporteur believes that the proposed 1.5% annual savings obligation must apply to the economy as a whole and must include the transport sector, which holds a significant economic but yet unrealised saving potential.

Electricity savings have to be prioritised, as electricity consumption is growing fast and because one unit of electricity requires several units - at least 2.5 - of primary energy input.

The obligated parties should be allowed to realise part of their obligations by paying into a dedicated fund. Measures that prevent double counting will have to be introduced, i.e. the required energy savings must be achieved by measures which are additional to existing legislative requirements like the Ecodesign legislation.

### **6) Help industry and SMEs to be more energy productive (art.7)**

Additional incentives will be needed for the industrial and SME sectors to move quickly from audits to new energy management systems and investments that capture real and significant energy savings. Building on the positive experiences from Denmark, Finland, Netherlands and Sweden your Rapporteur proposes to create a link between energy savings obligations schemes, national tax reduction regimes and EU state aid rules to help EU businesses become more competitive by reducing their energy costs.

### **7) Trigger behavioural changes by involving consumers, cities and regions (art. 8)**

Your Rapporteur welcomes the deployment of smart meters which can help the consumers improve their energy efficiency behaviour.

Consumer organisations must be given a more prominent role in the designing of national energy policies and the necessary safeguards have to be introduced to protect consumers against unjustified price rises.

The role of local and regional governance structures in making energy efficiency happen on the ground must be strengthened (“Low Energy Cities” “2000 Watt Society”, “Covenant of Majors”).

### **8) Reduce the inefficiencies in EU power system (art. 10; art. 11; art 19.5)**

The EU’s energy transformation system – from conventional power plants to refineries – has relatively low efficiencies, below 35%. Therefore, significant and rapid savings are possible here.

Over and above making sure that new investments are using best available technologies (BAT standards) the EU needs to review once again the potential of combined production of power, heat and cooling. Thus, the exemptions foreseen in art. 10 will have to be limited. However, the benefits which cogeneration plants bring to the electricity system as a whole will have to be rewarded as well designed CHP devices could also play a role in energy and electricity storage.

Priority grid access and dispatch for CHP is welcomed but should not impede the priority access already created for renewable energy.

### **9) Define clear roles for regulators and Transmission System Operators while creating a demand side market (art.12)**

The practical realisation of energy efficiency measures needs the full involvement of the regulators, TSOs and DSOs. In addition to the speeding up of the deployment of smart grids, the establishment of national and regional demand response markets should be prioritised.

In the US, demand saving and demand response programs are already producing huge savings for consumers (\$1.2 billion in recent PJM<sup>9</sup> capacity auction). Building on art.12 EU regulators should remove the barriers for smaller consumers and aggregators to participate in balancing and other ancillary services.

### **10) Guarantee fair and open competition in a bigger EU energy service market (art. 13, 14, 15)**

In the growing EU energy saving service market red tape needs to be reduced e.g. national barriers preventing third party investments should be removed. Safeguards should also be put in place to ensure that the energy utilities do not impose anti-competitive behaviour on their smaller competitors.

### **11) Improve the governance of energy efficiency policies (art.19)**

The reporting system under this directive should be as lean as possible but yet still concrete and clear enough to be comparable and identify best practice. The system should monitor progress and assess the effectiveness of the different measures. The information should be publicly disclosed.

#### References

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<sup>1</sup> International Energy Agency's *World Energy Outlook* of 2010 and the European Commission March 2011 *A Roadmap for moving to a competitive low carbon economy in 2050*.

<sup>2</sup> HSBC Global Research, September 2010 - Sizing the climate economy

<sup>3</sup> IEA (2011) - Summing up the parts - Combining Policy Instruments for Least-Cost Climate Mitigation Strategies

<sup>4</sup> COM 2011. Energy Efficiency Plan 2011. COM(2011)109/4

<sup>5</sup> ECOFYS (2010) - Energy Savings 2020. How to triple the impacts of energy saving policies in Europe. ECOFYS and Fraunhofer ISI 2010

<sup>6</sup> Fraunhofer ISI (2009). Energy Savings Potentials, Final Report for the European Commission Directorate-General Energy. 15 March 2009

<sup>7</sup> F. Matthes, Institute for Applied Ecology, September 2011 - Analysis and classification of the energy efficiency obligation as per Art. 6 of the EU Commission's Proposal for an Energy Efficiency Directive

<sup>8</sup> ECOFYS (2011) The upfront investments required to double energy savings in the European Union in 2020. ECOFYS and Fraunhofer ISI 2010

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<sup>9</sup> <http://www.ferc.gov/market-oversight/mkt-electric/pjm.asp>